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THE NORTH-WEST MOUNTED POLICE AND THE BLACKFOOT PEOPLES
1874 - 1884

by

BARBARA J. MAYFIELD

B.A., University of Victoria, 1975

A THESIS SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF ARTS
in the Department
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April 1979

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ABSTRACT

Situated on the periphery of the northern plains, the Blackfoot peoples' homeland was a cultural crossroad. Throughout their history this geographic position influenced their approach to inter-tribal relations; both the north-south Indian trade network and later east-west Indian-European trade pattern influenced, and became integral to, the Blackfoot peoples' ability to meet changing conditions. The cornerstone of Blackfoot adaptation was the maintenance of their economic independence. On this basis the Blackfoot peoples established the nature of their trade relations and differentiated between ally and enemy. The essential criteria was a mutually beneficial interchange. Through a closely guarded cooperative coexistence the Blackfoot peoples preserved their social and cultural integrity, and strengthened their political existence.

When Canada began its westward expansion during the 1870's, the Blackfoot peoples approached Indian-White relations with a determination to adapt progressively and to coexist within British-Canadian society. The Dominion Government's approach was tempered by its own national priorities and, of equal importance, by its traditional conception of Indian-White relations. From the late 1820's to 1857, British-Canada had redefined the nature of the protective sovereignty guaranteed to native peoples by the

Royal Proclamation of 1763. In relation to the imperatives of the settlement frontier, native inhabitants were viewed as separate and dependent, but potentially equal. As a part of this perspective, the Government supported the concept of a civilization programme. With regard to future expansion, this formula was extended: first, in order to appease and control "Indian unrest" along the settlement frontier, treaties would be negotiated with the native inhabitants; second, the proposed civilization programme would be implemented.

In 1857 the main intent behind this conception of Indian-White relations was set down in law. Defining the native peoples as separate and dependent within British-Canadian society, the 1857 Act also set down a formula for enfranchisement. Thus, the special legislation governing Indian-White interaction embodied a wardship rationale. Further, in 1876 the Indian Act expanded this conception of Indian-White relations to incorporate the Indian peoples of the North-West Territories. Indeed, the wardship rationale, balanced by national priorities, was the underpinning of British-Canada's approach to Blackfoot-Dominion relations.

From 1874 to 1884 the relationship between the North-West Mounted Police and the Blackfoot peoples reflected both the Dominion Government's conception of Indian-White relations and the Blackfoot concept of cooperative coexistence. Prior to 1877, the Mounted Police accommodated the priorities of western development by appeasing the Blackfoot peoples with British-Canada's law and order. For the Blackfoot, the N.W.M.P. principles of justice were in keeping with their own determination for a cooperative coexistence within British-Canadian society. With the signing of Treaty Number Seven, however, the Mounted Police approach increasingly gave way to the official wardship rationale. From 1878-79 to 1884 the Mounted Police upheld a "no work, no food" ration policy which worked to contain the Blackfoot, and was justified as an initial step towards the proposed civilization programme. For the Blackfoot peoples this approach over-shadowed their ability to adapt with the condition of wardship.

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CHAPTER I

The Blackfoot Peoples and Cooperative Coexistence

The Blackfoot peoples' homeland was a geographic and cultural crossroads. Situated on the periphery of the northern plains, their territorial lands lay between the North and South Saskatchewan Rivers and stretched southward to the headwaters of the Upper Missouri. This location meant that the Blackfoot peoples were important to both the east-west and north-south inter-tribal trading systems, and were also vital participants in the later Indian-European fur trade networks. In fact, according to the written record, the frontiers associated with the horse and gun converged in the Blackfoot peoples' territory. From an economic point-of-view the gun and the horse were beneficial and enabled the Blackfoot to exploit their resources, especially the buffalo, more fully. At the same time, the Blackfoot peoples gauged this adaptation according to an underlying principle of self-determination. In order to maintain their social and cultural integrity, while also preserving their political independence, the Blackfoot peoples advocated a cooperative interchange with neighboring peoples; mutual benefits still allowed a competitive trade that did not undermine Blackfoot priorities. This approach influenced shifting inter-tribal alliances, as well as the Indian-European trade, and implied a concept of cooperative coexistence. Indeed, the

Blackfoot peoples' policy of self-determination through cooperative coexistence was basic to their ability to meet the changes within their society and homeland, and was inherent in their approach to the cultural crossroad of Indian-White relations.

(i)

Until the mid-eighteenth century the Blackfoot peoples primarily inhabited the plains between the North Saskatchewan River, near the Eagle Hills, and southwestward to the South Saskatchewan River.[1] Referred to in the Hudson's Bay Company York Factory Journals as either the Muscotay - a geographic name for the plains between the Saskatchewan Rivers - or the Archithinue - a Cree word for the Blackfoot and Gros Ventre[2] - the Blackfoot peoples were three politically independent tribes: the Piegan, the Blood, and the Blackfoot. Speaking the same Algonquian language and sharing similar customs, these peoples would unite against common enemies. In addition, they mutually recognized the Sarcee and Gros Ventre as allies.[3]

The York Factory Journals' indirect reference to the Blackfoot peoples indicated the nature of their early relationship with the Company. Since the establishment of trading posts at Hudson's Bay in 1670, Western Cree and Assiniboin had moved in a northwesterly and southwesterly direction, assuming the role of middlemen in the York Factory trade.[4] The Company's knowledge of the Blackfoot was gained through these intermediaries. The working agreement between the Western Cree and Assiniboin was a result of the trade in guns with the Hudson's Bay Company. As the Cree had pushed their trading limits along a pre-existing exchange network, their superiority in arms had, by 1690, created an alliance with the Assiniboin. This alliance consequently strengthened the Cree foothold in the Hudson's Bay trade and allowed both peoples to extend their influence in a westerly direction towards the Blackfoot territory.

From 1715 until 1740, the Western Cree and Assiniboin had sporadic success in developing trade with the Blackfoot peoples. The Treaty of Utrecht (1713) aided this expansion by reconfirming the permanency of the Hudson's Bay Company as the source of trade goods at York Factory.[5] Hence, in the summer of 1715, one hundred and seventy-two canoes, some of which were manned by Muscotay, arrived at York Factory.[6] Similarly, Journal entries for 1728-31 and 1740-41 noted that Susuhannah - probably the Sarcee - had come to York Factory "usually in company with the Assiniboin and Western Cree...."[7]

While the Blackfoot peoples' interest in the York Factory trade was caused by a desire for consumer goods, it was also closely tied to their changing frontier alliances. The plains to the immediate southwest of the Piegan[8] were inhabited by the Shoshoni, a traditional enemy of the Blackfoot peoples. During the first decades of the eighteenth century (circa 1700-1725) this territory was claimed by both peoples. To better their cause, the Piegan applied to the

Western Cree for support. During a large infantry battle fought sometime between 1717 and 1722, the Cree supplied both men and guns. This combined Cree-Piegan force routed the Shoshoni.[9] By utilizing the mutual Cree-Blackfoot trade agreement, therefore, the Piegan had enhanced their own political and military position.

In addition to immediate gains, for the Blackfoot the success against the Shoshoni had created conditions which justified the coalition with the Cree. The Shoshoni possessed horses, and until the Piegan had turned to the Cree for guns, this had strengthened their military position. The defeat of the Shoshoni opened the way for the Blackfoot to trade with the intermontane Flathead and Nez Perce who also owned horses.[10] Consequently, the Blackfoot peoples established a direct trade in perishables with the Nez Perce and Flathead who periodically descended to the Montana Plains. Through this network the horse reached the Piegan by 1720-1725, the Blood and Gros Ventre by 1725-1730, the Blackfoot by 1730-1735, and the Sarcee by 1735-1740.[11] The acquisition of the horse counter-balanced the Blackfoot peoples' dependence on the Cree middlemen for guns. Indeed, the convergence of the horse and gun, two essential elements of the developing "Plains Indian way of life," placed the Blackfoot in a position to maintain their social and cultural integrity, despite the impact of the Western Cree and Assiniboin monopoly of the trade at Hudson's Bay.

In 1754-55 Anthony Henday observed the Blackfoot peoples' successful adaptation to the new technology made possible by the horse. Intending to improve the Hudson's Bay Company's trade relations, Henday had travelled to the Saskatchewan plains in order to contact the 'Archithinue Natives.' He was impressed by the Blackfoot peoples' skilled horsemanship and the quality of their stock. On visiting a Blackfoot camp located near the Red Deer River, he commented on the horses as "fine tractible animals, about 14 hands high; lively and clean made...."[12] Again, while in a camp located on the lower North Saskatchewan, Henday observed: "The Archithinue Natives were well mounted on good Horses."[13] The Blackfoot had integrated the horse within their traditional buffalo economy. As Henday recorded:

> I rid [sic] a hunting with 20...young men, they killed 8 buffaloe, fine sport, the horses are trained to the game. They are so expert that with one or two arrows they will drop a buffaloe. As for me I had sufficient employ to manage my horse....[14]

Thus, with the horse the Blackfoot were able to expand the more restricted hunting methods of pre-horse days.[15] In addition to developing the hunt, the Blackfoot also adapted other elements of their pre-horse technology to this new acquisition. As Chief Factor Isham remarked in response to Henday's observations:

> These horses are of great Service to them in Carrying or hawling [sic] of goods, and for although they have no Carts, yet have a contrivance which answers the same Effect, which is Sleds [travois] having a pole fixed on each side, and head of the Sled which hangs by a back band on Each side the horse/the same as Shafts to a cart/ by which they Hawl good Loads.[16]

From approximately 1714 to the mid-century, therefore, the Blackfoot peoples had not only gained the military advantage of Western Cree aid, but had subsequently expanded their southern frontier in order to prosper from a trade in horses. Further, the Blackfoot had improved their capacity to exploit the buffalo economy so that bartering with the Cree-Assiniboin middlemen for desired European trade items did not undermine their own economic independence. The principle of self-determination which implicitly guided their changing military and trade relations was expressed by Anthony Henday in his journal for 1754-55:

> I asked the Natives [Assiniboin and Western Cree] why they did not Hap [trap] Wolves; they made the Answer that the Archithinue Natives would kill them if they trapped in their country: I then asked them when and where they were to get the Wolves, etc., to carry down in the Spring. They made no answer; but laughed one to another...
> Wolves are numerous. An Indian told me that my tent-mates were angry with me last night for speaking so much concerning Happing & advised me to say no more about it, for they would get more Wolves, Beaver, etc. from the Archithinue Natives in the spring, than they can carry.[17]

The Blackfoot peoples' independence, in spite of the Cree-Assiniboin trade blockade, was underlined by subsequent events. A letter sent from York Factory in 1763 related that "'the Bloody Indians were, Some of them, Starved to Death Last year going Back which so intimidated them that I am afraid we Shall never have any more of them Come to Trade.'"[18] A decade later, when the Company sent Mathew Cocking to the interior in 1772 to persuade the Archithinue to bypass the Cree-Assiniboin middlemen, they responded saying that "'they would be starved & were unacquainted with Canoes & mentioned the long distance.'"[19] For the Blackfoot peoples the benefits to be gained from direct trade with the Company did not warrant the jeopardy.

(ii)

Mathew Cocking's journey in 1772 foreshadowed a general disruption of the Western Cree-Assiniboin trade network. The Royal Proclamation of 1763 had set down regulations requiring that all traders into the interior of the country obtain licences and restricting their trade to particular forts.[20] In 1768 these regulations had been rescinded, allowing both French and English traders to compete to establish additional posts, particularly along the forks of the North and South Saskatchewan Rivers. After 1784, therefore, direct contact between European and Plains Indian peoples became more common as rivalries between the Hudson's Bay Company and Montreal trading interests pushed traders further into the territories.[21] A precursor of later British-Canadian expansion, this development displaced the middlemen in the Indian trade to Hudson's Bay.[22]

The arrival of white traders reduced the Blackfoot trade dependence on the Western Cree and Assiniboin. This undermining of the cooperative interchange was also hastened by the Cree/Assiniboin ambition to secure horses. Shortly after the Blackfoot peoples had gained possession of both the horse and the gun, the well-armed Assiniboin and Cree had begun raiding for horses so as to enable military equality, if not supremacy.[23] These raids from the northeast, particularly for horses, meant that the military and political competition resulting from ownership of the horse and the gun now converged in Blackfoot territory. At first, the extent of this aggression had been controlled by the Western Cree-Assiniboin dependence on the furs and pelts hunted by the Blackfoot peoples. Ths intrusion of European traders ended this guarded coexistence.

The penetration of European traders generated yet another source for continuing Blackfoot-Cree conflict. The inland position of the fur traders required their adaptation to the available subsistence economy.[24] Consequently, the supplying of provisions, such as pemmican, became a major facet of the Indian trade. For the Western Cree, Assiniboin and Blackfoot peoples, therefore, the buffalo herds of the Saskatchewan and Upper Missouri Plains became increasingly vital for their economic well-being and for commercial profit. Further, the continuing provision requirements of the Hudson's Bay and North West Company forts promoted a social and cultural transition among the westernmost Cree and Assiniboin. Through exploiting the buffalo, in order to obtain a surplus for trade and to meet their own food requirements, these peoples, by 1790, had penetrated the prairie country south of the North Saskatchewan River. Although at this time they had not yet laid claim to this territory, thirty years later (circa 1821) many of the westernmost bands had become Plains Cree.[25] This transition meant that the Plains Cree were an economic, as well as a political and military, threat to the Blackfoot peoples.

During this same period, the Blackfoot maintained a peaceful commerce with the white traders, particularly at Buckingham House, Chesterfield House, Fort George, and Rocky Mountain House.[26] The availability of a new technology allowed the Blackfoot peoples to continue to adapt to changing conditions and replaced the mutual benefits once derived from the Western Cree-Assiniboin trade alliance. Moreover, the fur traders remained on the periphery of Blackfoot territory and did not directly encroach. Thus, the Blackfoot peoples protected their economic independence while adjusting to the White presence. Furthermore, the trade goods gained from their exchanges with the Europeans strengthened the Blackfoot ability to counter Cree and Assiniboin advances. This pattern of cooperative interchange with the White traders and of inter-tribal enmity, continued along the northeast limit of Blackfoot territory and became a strategic concern to British-Canada's westward expansion into the 1870's.

(iii)

The Blackfoot peoples' concept of cooperative coexistence, which would meet British-Canada's national aspirations, was also a product of the nature of trade and military alliances along their southwest frontier. Basically, the Blackfoot peoples' principle of self-determination continued to accept mutual benefits as a basis for coexistence with foreigners, whether Indian or White. In this manner the Blackfoot integrated changing conditions with their own social, cultural and political priorities. Indeed, from the early nineteenth century until 1855, the Blackfoot peoples profited from continuing Indian-White trade relations.

At the same time that the Blackfoot were adjusting to the penetration of European traders in the north, on their southwestern frontier they tried to regulate the gun trade and to encourage the horse trade. However, by the end of the first decade of the nineteenth century the Blackfoot gun monopoly was ended. By way of the long-established Indian trade network of the Upper Missouri, Crow traders had obtained guns from the Mandans and Hidatsa. Ultimately, the Crow intermediaries distributed these guns to the Shoshoni and Flathead.[27] In addition, the Kutenai and Flathead had obtained guns through direct trade at the post David Thompson built among them in 1808-09.[28] Both of these developments meant that the Blackfoot political and military advantage, sustained by obtaining guns and ammunition at the Saskatchewan posts, was curtailed. Furthermore, the arming of the Kutenai and Flathead precluded the continuation of a peaceful trade in horses. Thus, the trade competition, particularly for the horse and the gun, which existed along the Blackfoot-Cree boundary, now flanked the Blackfoot peoples to the southwest.

This disruption of the Blackfoot military and trade alliances to the southwest was compounded by the almost simultaneous arrival of White traders at the headwaters of the Missouri. The Blackfoot peoples' response paralleled their attitude towards the fur traders located on the North and South Saskatchewan Rivers. Asserting their principle of self-determination, the Blackfoot expected a cooperative interchange; trappers and traders who exploited the supply of fur at no return to the Blackfoot were viewed in the same way as encroaching Cree, Shoshoni, Kutenai, Nez Perces, and Crow. In 1810, for example, the Blackfoot attacked Missouri Fur Company traders at Three Forks on the Missouri, and in 1821 they drove back another group from the same Company on the headwaters of the Yellowstone.[29] Similarly, in 1825, the Rocky Mountain Fur Company trade rendezvous with the Indian peoples to the southwest met with Blackfoot hostility and aggression. Until the late 1820's interloping White traders and trappers within Blackfoot territory earned for the Blackfoot a reputation as the "most savage and warlike peoples" of the Plains.

In 1831 the American Fur Company experienced a reverse in this pattern. After having built Fort Piegan at the mouth of the Marias River, the Company accepted the Blackfoot peoples' terms. As one trader recorded, the Blackfoot agreed that they would collect and barter the furs, and in return traders would be both protected and treated well.[30] A clear statement of cooperative coexistence, this agreement placed the Upper Missouri trade on a similar footing to that of the Saskatchewan. The more peaceful trade relations continued even after 1833 when Fort Piegan was replaced by Fort Mackenzie as the center for the Blackfoot peoples' trade.[31]

The terms which the American Fur Company accepted in order to tap the fur supply of the Upper Missouri reflected more than the Blackfoot trade policy. In agreeing to protect and to treat the traders well, the Blackfoot were implicitly establishing their political relationship to the Europeans. Weighing the benefits of a cooperative interchange of goods, the Blackfoot peoples would choose whether to protect the Whites or to treat them as encroachers. Along both their northern and southwestern frontiers, the Blackfoot would continue this approach to Indian-White contact after 1833.

The satisfactory trade relations already established with the Hudson's Bay Company, and now arranged with the American Fur Company, allowed the Blackfoot peoples to create an increasingly competitive market. Writing from Edmonton House /Fort Edmonton/ on January 1, 1842, Chief Factor John Rowand described the nature of the Blackfoot trade:

> With respect to any further arrangement regarding the trade & c it may be justly supposed that we are doing our best with the goods we have, to please and get as much as we can from the Natives in return but I am sorry to say we are losing ground with the Slave tribes who laugh at the poverty of our shops and who do not hesitate to remind one of the old times before they got introduced to the American traders when they had but one shop to go to, now they know the value of things better and no more at a loss to get their wants at much cheaper rates from us, who tell us also what made them leave Americans last summer to come and see their former traders they expected after sending for them repeatedly to receive great presents, and to be paid for their things the same as by their new traders. What they speak most of is about the presents the Indians receive from the Americans twice a year. I have not forgot the time when it was not near so difficult to settle with all those Indians with plenty Tobacco, Ammunition and Rum and very little dry goods it was

> all that was required to pay for what they have to give now. But those good old times have altered now.... The Peigans who are the worst of all the Slave tribes to please expect a great many things for nothing. They are all Chiefs who must be dressed as such, Gratis of course. If not, off they go back to the Americans where they say they are sure of being well received for their few furs, Buffalo Robes, Wolves and their Horses who form one of their principle articles of trade with the Americans and us too.... For all what we get from the Slave tribes they expect the best articles in our shops as from the Americans and as cheap who sell them goods Red, Blue, Green and White blankets from 30 to 4 pts at the rate of four robes each, and Guns six and everything else in the same proportion. For a horse they give a Complete Chief's Clothing with one big keg of Rum,....[32]

Rowand went on to point out that in order to capture the Blackfoot market, the Company would have to keep Edmonton House supplied with double the present stock of blankets, capots, guns and spirits. Doing so, however, was difficult. Aside from the problems of supply caused by goegraphy, there was an equally difficult impediment caused by the attitudes of some Company officials. Or, as the Chief Factor expressed it: "The Gentlemen...who think the deficiency [in trade stock] can be well made up telling little stories to the natives - to such animals as we have to deal with, is not with them for some time when they have the wherewith to pay for their wants and cannot get it...."[33] Differences in perspective may have created problems for the Company men in the territories, but for the Blackfoot peoples this discrepancy created trade conditions which supported competitive adaptation to European technology.

Although the varying quality and quantity of trade goods available at the Saskatchewan and Upper Missouri forts fostered rivalry, the nature of this market also rested on a symbiotic relationship between the Blackfoot peoples and fur trading interests. Prior to the 1830's made beaver pelts had been the standard value in trade; subsequently, dressed buffalo hides became the new standard of value, particularly at the trading posts of the Upper Missouri.[34] This demand for buffalo hides in the Upper Missouri trade network complemented the Blackfoot provision traffic in pemmican and and dried buffalo meat with the Hudson's Bay Company, usually at Rocky Mountain House and Fort Edmonton. Chief Factor Rowand's observations described the profitable Indian-White relations:

> We have plenty of opportunity to see Indians with all their families...all dressed up better than I ever saw Indians this way before who are covered with all kinds of beads and Blankets and Buffalo Robes they have to cover themselves ornamented with it and everything about them to having shoes on their feet the same way, who bring bags of it also that they offer for sale to the women and children of our establishment who tell us they get all that for nothing. We see something better than beads with them also. Fine Double Barrel Guns and Telescopes.[35]

This accumulation of luxury items, as well as the ready acceptance of superior arms and telescopes, were indicative of the Blackfoot peoples' enriched economy and culture. With individual ownership of all property, other than land, being the rule within Blackfoot society, European trade goods added to a cultural respect "for the right of the individual to own and to accumulate property."[36] Traditionally, horse ownership was the basis of this economically-determined social scale. In turn, horse wealth governed the individual's capacity to participate in the buffalo hunt, and hence, in the fur trade. By the mid-nineteenth century this close inter-relationship between the Blackfoot and fur trade economies was embodied in a culture and society which was "completely adjusted to the use of the horse [and the gun,] and [to] the presence of European traders and their wares."[37] Thus, the Blackfoot peoples' society reflected, and was intrinsic to, the cultural cross-roads inscribing their homeland.

(iv)

In 1855 the United States Government negotiated the first treaty to involve the Blackfoot peoples. The treaty's main purpose was to ensure peaceful Indian-White relations, particularly with regard to a transcontinental railway tentatively scheduled for construction through Blackfoot territory.[38] Although the Union Pacific Railway was subsequently built well to the south, the Blackfoot consideration of the treaty summarized their comprehension of Indian-White relations. Lame Bull, the principal chief of the Piegan, stated: "We have been running wild on the prairie and now we want the white sons and daughters of our Great Father to come to our country and tame us....We have a fine country and we are not ashamed to have white men come and see it."[39] Lame Bull's statement expressed the Blackfoot peoples' political position. In order to continue to adapt, Blackfoot sovereignty proposed a policy of cooperative coexistence in recognition of American expansion. Although the basic rationale of this coexistence did not differ significantly from the terms required of the fur traders of the Upper Missouri and Saskatchewan Rivers, the Piegan chief's proposal looked beyond immediate circumstances to the Blackfoot peoples' future existence.

Seven years after the 1855 treaty, an influx of miners prompted by the Montana gold rush of 1862 disrupted the basis of the Blackfoot Indian-White trade relations. Reporting from Edmonton House, in December of 1863, William Christie observed:

> 4 Steam boats came up to Fort Benton (or near it) loaded with emigrants & for the "Beaver head" Mines &c. The Fur traders at Fort Benton find it more profitable to sell their wares to the Miners than to throw it away on the *plain* Indian Trade, and as the Indians find their treatment altered, they will in all probability be driven up this way and trade with us, in this case...it will be absolutely necessary for us to re-establish the Rocky Mountain House....[40]

As Christie's report suggested, the Blackfoot peoples' response to these changed conditions was closely parallel to their attitude before the establishment of Fort Piegan in 1831. To maintain their commercial and military strength, the Blackfoot redirected much of their trade in order to reconfirm the coöperative interchange with the Saskatchewan posts. From this position they would continue to assert their sovereignty over the Upper Missouri territory.

Throughout the 1860's the Hudson's Bay Company reports monitored the Blackfoot policy. Significantly, the Company's comprehension not only indirectly reflected the

Blackfoot peoples' attitude, but also was one source of British-Canada's initial knowledge of prevailing Indian-White relations. Indeed, the nature of Indian-White interaction observed during the late 1860's in Montana Territory fore-shadowed the uncertainties which would confront the Dominion in the 1870's.

As an indication of prevailing conditions, in 1867, the United States Government established Fort Shaw, an army post, on Sun River in Blackfoot territory. With no definite Indian policy to guide its officers, the fort was intended as a stop-gap measure to protect White emigrants and Indians alike.[41] Until the advance of permanent White settlement required that the Blackfoot and neighbouring Indian peoples be placed on reservations under the direction of an Indian Agent, the army at Fort Shaw would contain Indian-White conflict. For the Blackfoot peoples, the ambivalence of the situation promoted internal divisiveness. Since the 1855 treaty, the Piegan chief Little Dog, successor of Lame Bull, had attempted to fulfill the treaty through peacemaking with Blackfoot enemies and White settlers. In addition, Little Dog had supported the experimental farm started at the Sun River Agency. However, sporadic conflict, particularly between Blood and Piegan and the residents of Fort Benton, continued. Finally, in May of 1866, chief Little Dog was killed by a party of Piegan who suspected him of "'being too friendly with the whites.'"[42] Writing from Edmonton House on January 6, 1866, Richard Hardisty had commented on events preceeding chief Little Dog's death:

> I have heard nothing further about the /Indian/ outrage committed on Americans at Fort Benton. I believe there was an attempt to get up a volunteer corps, to operate against the Slave Indian Tribes, and Forts Edmonton, & Rocky Mountain House, the latter place to be taken & destroyed for furnishing supplies to Indians at war with U.S. citizens. The season was too far advanced before the Army could be organized & the project has been abandoned until next Summer. I am informed the feeling is very bitter against us at Benton...."[43]

The depredations and retaliatory actions of Blood, Piegan, and settlers in Montana Territory added an international political aspect to the cooperative trade; as the Governor of Montana Territory reported, the organization of a defense corps had been abandoned on the retreat of the Blackfoot northward across the forty-ninth parallel.

For the Hudson's Bay Company's immediate business concerns, this discord meant that the Blackfoot peoples were "too much occupied about war" to supply provisions, while at the same time they were commandeering the Company's stock of ammunition.[44] In a letter sent to Carlton House on March 5, 1866, William Christie summarized the tenuous trade relationship:

> A camp of Blackfeet 100 Tents of the Circee /Sarcee/ Camp are close here /Fort Edmonton/, and will be here on a Trade soon, the Bloods and Piegans are on the Red Deer River & Belly River, and are to trade at the Rocky Mountain House in Spring,...They will have a good Trade in Robes at the Mountain,...As soon as the snow clears off the Blackfeet, Circees, Piegans & Blood Indians, having gathered into one Large Camp are to pitch downwards, so your Crees may look out in time & clear away. By all means try to get your home Guards /Cree/ to run away from the Fort for the Forts are sure to have a visit...One reason why these Indians are going

> downwards, is to avoid the Americans, whom they expect to be out after them in Spring - They are trading nothing but ammunition & Tobacco & Guns. It may seem curious to be sending down for Ammunition & Ball, for the Indians, who may send them whistling about your head in Summer, but such is our position here,...we cannot stop the sale of ammunition.[45]

Within the context of their pre-established cooperative trade alliances, the Blackfoot peoples continued to combat encroachment on their southwestern frontier through exploiting the Saskatchewan traders. Similarly, their enmity towards the Plains Cree persisted. Yet, in addition, the uniting of all the Blackfoot peoples into one main camp indicated a political perspective which increasingly would influence their cooperative policy. As Christie pointed out:

> The Blackfeet & Slave Indians will generally do you no harm, or our Forts, we have spoken to them very frequently on these subjects, and I firmly believe, they wont /sic/ harm whites /unless Americans/.[46]

(v)

Determined to preserve the centre of their homeland, the Blackfoot peoples recognized that consolidation north of the international boundary would permit greater political and military strength. This was the reasoning behind their continuing cooperative coexistence with the Company. In the early 1870's the Dominion Government was to misconstrue the situation and to attribute to the Hudson's Bay Company a "control" over Indian-White relations. In addition, this readjustment of the Blackfoot policy also represented an attempt to counteract the internal divisiveness which, among the southern Piegan, had permitted the death of chief Little

Dog. In the fall of 1866 William Christie had reported on the trading condition experienced by one of the Company's men:

> 'Cunningham began to Trade but had not done much, when the Blackfoot began to pillage them and talk very badly, headed by the Dog "Va-nurge u.pu.tah" when Mr. John saw this, he wanted to stop trading & bundle up but they took the things from him & insisted he should trade, when he told them to Trade, they would bring dirty [Robes]...& want Blankets for them, if refused they would take their Guns & c &c, They were very nearly all killed and had it not been for the Pagan and Blood Indians being there, Mr. Cunningham gives it, as his opinion, that not one of them would have been spared. "Spoke was too General" [sic] did all he could to insite [sic] the Blackfeet to kill them, "Big Swan" was the [illegible] worst,....There was only one Blackfoot who spoke like a man, and if ever I see him, I will give him a present. "Cha. poo. mux. ee. ca." [Crowfoot] a friend of yours, he told the Blackfeet they were Dogs, and wished the whites would sweep them off the earth. The Pagans & Bloods escorted Mr. John two days for fear he would be followed up by the Blackfeet,...[47]

Christie's closing comment reported: "The Pagans and Bloods will tell you all, they are Friendly and treated our people well, and some of the Blackfeet are deceitful." The factions within the Blackfoot aligned themselves with the war chief, Big Swan, and the peace chief, Crowfoot.[48] For the Blackfoot peoples their political and military position, as well as their social and cultural existence, required a degree of cohesion and unanimity to neutralize grounds for armed White retaliation.

On April 19, 1867, William Christie reported from Edmonton House that the Blackfoot had failed to resolve their internal conflict: "The Pagan had a fight with the

Blackfeet and killed 20 Blackfeet, the Pagans are all off to the Americans [Blood and Peigan] and are to join the Americans against the Blackfeet,...."[49] One month later Christie also expressed the Blackfeet-European perspective: "The Blackfeet say they plainly see they are to fall before the advances of White & Civilization & they don't care how soon. I think our only safety now lies in the number of whites coming in, the more the better."[50] This perspective summarized the sense of confrontation which all of the Blackfoot peoples would have to counter-balance if they were to maintain their self-determination through a cooperative recognition of the conditions resulting from American and British-Canadian expansion.

In January, 1870, the Piegan or Baker Massacre convincingly proved to the Blackfoot peoples the validity of their decision to maximize on their peaceful coexistence with the Hudson's Bay Company, north of the international boundary. Since 1866, however, increasing numbers of American whiskey traders had also moved across the forty-ninth parallel establishing a demoralizing traffic within Blackfoot territory, particularly at Fort Whoop-Up, Slide Out, and Stand Off on the Belly River. At the same time, the traditional enmity of the Plains Cree and Blackfoot peoples continued. In the fall of 1870 the Cree attacked the Blood in what was to be their last major battle.[51] Hence, in order to secure their territorial stronghold, the elimination of both of these factors was crucial. Upon this basis the Blackfoot peoples would accept the arrival of the North-West Mounted Police in their country during the early fall of 1874.

As representatives of the Dominion Government, the Mounted Police embodied Canada's sovereign claim to her new territories; for the Blackfoot peoples White encroachment into their homeland was an inevitability. Through enforcing British-Canadian law and order, however, the Mounted Police brought an end to the degrading whiskey traffic. This mutual benefit was based on a principle which was in keeping with the Blackfoot peoples' concept of cooperative coexistence. Further, by maintaining the principle of equality before the law, for both Indian and White, the Mounted Police worked in harmony with the Blackfoot peoples' comprehension of their position in relation to White society. Chief Lame Bull's proposal in 1855 had reflected this sentiment.

The long-term aim of the Blackfoot attempt for greater political solidarity was based on the concept of political equality and coexistence. Through a cooperative interchange the Blackfoot peoples were determined to maintain their social and cultural integrity and to adapt to the changes wrought by the cultural crossroads of British-Canadian expansion. The official terms upon which the Dominion Government approached the Blackfoot, however, were largely predetermined. From the late 1820's to 1857 Government policy-makers for the Province of Canada had determined that in relation to the imperatives of the settlement frontier, the Indian peoples were wards. Both the preconceptions and policy attached to this definition remained part of the social and cultural underpinnings of national growth, and provided the fundamental rationale that would presume to redirect the Blackfoot peoples' existence.

FOOTNOTES:

[1] Oscar Lewis, The Effects of White Contact Upon Blackfoot Culture (Seattle: University of Washington Press, 1942), p. 13.

[2] Arthur J. Ray, Indians in the Fur Trade: Their Role as Trappers, Hunters, and Middlemen in the Lands Southwest of Hudson Bay, 1660-1870 (Toronto: University of Toronto Press, 1974), p. 55.

[3] John C. Ewers, The Story of the Blackfeet (Bureau of Indian Affairs, 1944), p. 7. The Gros Ventres remained allies of the Blackfoot until 1861. See John C. Ewers, The Horse in Blackfoot Indian Culture (Washington: 1955, Bureau of American Ethnology, Bulletin 159), pp. 171-172.

[4] Arthur J. Ray, Indians in the Fur Trade, p. 13.

[5] Ibid., p. 51.

[6] Ibid., p. 53.

[7] Ibid., 1728-31 and 1740-1, PAC HBC B 239/a/13 and 22, cited in Arthur J. Ray, Indians in the Fur Trade, p. 57.

[8] Oscar Lewis, The Effect of White Contact, p. 13.

[9] Knowledge of this battle is derived from the Legend of Saukamappee, recorded by the explorer David Thompson in 1787-88. For a critical, revised analysis of the historical accuracy and significance of this legend see Dennis Lloyd Rinn, "The Acquisition, Diffusion and Distribution of the European Horse Among the Blackfoot Tribes in Western Canada" (Unpublished M.A. thesis, University of Manitoba, 1975), pp. 55-61.

[10] John C. Ewers, The Horse in Blackfoot Indian Culture, p. 19. See also Dennis Lloyd Rinn, "The Acquisition, Diffusion and Distribution of the European Horse Among the Blackfoot Tribes in Western Canada," pp. 67-68.

FOOTNOTES continued:

[11] Dennis Lloyd Rinn, "The Acquisition, Diffusion and Distribution of the European Horse Among the Blackfoot Tribes in Western Canada," pp. 57-63.

[12] Anthony Henday Journals, PAC HBC 239/a/40, E 2/4, fol. 86, cited in D. L. Rinn, "The Acquisition, Diffusion and Distribution of the European Horse Among the Blackfoot Tribes in Western Canada," p. 48.

[13] Ibid.

[14] Ibid., fol. 66; and Anthony Henday, PAC HBC 239/a/40, e 2/4, fol. 107, cited in D. L. Rinn, p. 49.

[15] See John C. Ewers, The Horse in Blackfoot Indian Culture, pp. 148-170; The Story of the Blackfeet, pp. 9-20; The Blackfeet, pp. 3-19; Indian Life on the Upper Missouri, pp. 7-14, 157-169.

[16] Anthony Henday, PAC HBC B 239/a/40, fols. 73, 74, cited in D. L. Rinn, p. 48.

[17] Burpee, 'Journal of Anthony Hendry,' 344, cited in Arthur J. Ray, Indians in the Fur Trade, p. 90.

[18] York Factory Correspondence Books, 1762-63, 25 July 1763, PAC HBC B 239/b/24, cited in Arthur J. Ray, Indians in the Fur Trade, p. 61.

[19] Burpee, 'An Adventurer from Hudson Bay,' cited in Ibid., p. 61.

[20] E. E. Rich, The Fur Trade and the Northwest to 1857 (Toronto: McClelland and Stewart, 1967), p. 133, cited in Arthur J. Ray, Indians in the Fur Trade, p. 125.

[21] David G. Mandelbaum, The Plains Cree (New York: Anthropological Papers of the American Museum of Natural History, Vol. XXXVII, Part II, 1940), p. 181.

FOOTNOTES continued:

[22] John C. Ewers, The Story of the Blackfeet, p. 15. Map showing early trading posts on the Saskatchewan, 1748-1800.

[23] John C. Ewers, The Horse in Blackfoot Indian Culture, p. 172-173.

[24] See chapter seven, 'New Economic Opportunities,' in Arthur J. Ray, Indians in the Fur Trade, pp. 125-136.

[25] David G. Mandelbaum, The Plains Cree, p. 182-183. Describing the continuing westward expansion and adaptation to the Plains Indian way of life by the Western Cree, Alexander Henry noted (1808-1810) that the Cree along the North Saskatchewan were reaching as far as the Rocky Mountains on war expeditions and were remaining in the "strong wood country" to hunt and trap with less and less frequency. See also Arthur J. Ray, Indians in the Fur Trade, p. 136, footnote 21.

[26] John C. Ewers, The Blackfeet: Raiders on the North-Western Plains, p. 41. See also map, page 15, in The Story of the Blackfeet.

[27] John C. Ewers, The Horse in Blackfoot Indian Culture, map, p. 11.

[28] John C. Ewers, The Blackfeet, p. 52.

[29] John C. Ewers, The Blackfeet, p. 50-55.

[30] Ibid., p. 57. From 1874 to 1877 the presence of the North-West Mounted Police also was accepted on this basis of mutual benefit.

[31] For the Hudson's Bay Company's response to the American Fur Company's success see J. A. E. Macleod, "Piegan Post and the Blackfoot Trade," CHR, Vol. 24, 1943, p. 274.

[32] John Rowand, Report from Chief Factor at Edmonton House on Blackfoot trade, 1842. Copy, Glenbow-Alberta Institute.

[33] Ibid.

FOOTNOTES continued:

[34] John C. Ewers, "The Influence of the Fur Trade Upon the Indians of the Northern Plains," p. 8, in Malvina Bovis, ed., People and Pelts, Winnipeg: Peguis Publishers Ltd., 1972.

[35] John Rowand, Report from Chief Factor at Edmonton House on Blackfoot trade, 1842. Copy, Glenbow-Alberta Institute.

[36] John C. Ewers, The Horse in Blackfoot Indian Culture, p. 240.

[37] John C. Ewers, The Story of the Blackfeet, p. 30.

[38] Ibid., pp. 40-41.

[39] Ibid., p. 41.

[40] HBC, B.60/b/1, fol. 21. Correspondence, 1863-64, Edmonton. William Christie to Alexander G. Dallas, esq., Governor in Chief, Fort Garry, December 31, 1863.

[41] John C. Ewers, The Story of the Blackfeet, p. 46.

[42] John C. Ewers, The Blackfeet, pp. 232-234.

[43] HBC. B.60/b/2, pp. 333-334. Correspondence 24 October 1857 - 7 March (1864-) 1868. Richard Hardisty to William MacTavish, Acting Governor, Fort Garry, January 6, 1866. The term Slave was applied to the Blackfoot peoples by fur traders in the early nineteenth century. As Alexander Henry noted:

> The Sarcees are a distinct nation, and have an entirely different language from any other of the plains; it is difficult to acquire, from the many guttural sounds it contains. Their land was formerly on the N. side of the Saskatchewan, but they removed to the S. side, and now dwell commonly S. of the Beaver hills, near the Slaves /Blackfoot/, with whom they are at peace.

Coues, E.: New Light on the Early History of the Greater Northwest; vol. II, pp. 531-2, 727, cited in Diamond Jenness, The Sarcee Indians of Alberta (National Museum of Canada, Bulletin No. 90, Anthropological Series No. 23), p.2.

FOOTNOTES continued:

[44] Ibid.

[45] HBC, B. 60/b/2, pp. 399, 400, 401. Correspondence 24 October 1857 - 7 March (1864-) 1868. William Christie to Arthur Pender, Esquire, Carlton House, March 5, 1866.

[46] Ibid., p. 401.

[47] Ibid., pp. 595,596. William Christie to Richard Hardisty, Rocky Mountain House, November 2, 1866.

[48] See Hugh A. Dempsey, Crowfoot, Chief of the Blackfeet (Norman: University of Oklahoma Press, 1972).

[49] HBC, B.60/b/2, Correspondence 24 October 1857 - 7 March (1864-) 1868. William Christie to Fort Pitt, April 19, 1867.

[50] Ibid.

[51] See Alexander Johnson, ed., "The Battle At Belly River," Historical Society of Alberta, Lethbridge Branch, 1966.

CHAPTER II

The Approach: Dominion Indian Policy

1763 - 1857

In the 1870's, during the course of Canada's westward expansion, the Government of the new Dominion and the Blackfoot peoples came into contact for the first time. Both had a preconceived vision of how to deal with the other in what were complex and unique circumstances. The Blackfoot peoples' response was part of a concept and policy for cooperative coexistence which they had formulated through adapting to the exigencies of the fur trade. Canada's view of the native inhabitants of the continent, on the other hand, had grown out of reconciling the imperatives of sovereign protection, declared in the Royal Proclamation of 1763, with the settlement frontier. By 1838 this reconciliation had evolved into a policy for reserving Indian lands, coupled with a programme for cultural assimilation. By 1845 this approach to Indian-White interaction had assumed the British-Canadian social and cultural perspective: in relation to White society the native peoples were deficient and dependent, but potentially equal. In 1857 this attitude was given legislative authority. All Indian peoples were defined in law as wards of the Crown.

The central purpose of Indian policy, however, was to counteract this premise of wardship. Accordingly, in 1845 the civilization programme was underlined with the principle of self-sufficiency. As a part of this principle, funding for the implementation of Indian policy was tied to the imperatives of the settlement frontier. This concern to ensure the native inhabitants' independence was itself a reflection of the on-going British-Canadian attitude. Moreover, the proposed means for applying policy all but ensured a discrepancy between the long-term aspirations of the civilization programme and the reality of Indian policy. Nevertheless, in 1876 this pre-Confederation policy and legislation was officially recognized as the basis for Indian-White relations throughout the North-West Territories.

(i)

Until a reconsideration of policy began in the late 1820's, the Royal Proclamation of 1763[1] served as the formal basis of Indian-White relations in British North America. In principle, the Proclamation's main intent was to protect Indian land from direct alienation and to supervise Indian-White interaction. This protective policy towards Indian lands was integral to the administrative and political framework determined for British North America at the close of the Seven Years' War. Accordingly, the Proclamation established that each colony was under the jurisdiction of its respective Governor or Commander-in-Chief. The area defined as the Indian territory was set apart under the immediate jurisdiction of the British Crown.[2] In addition, patents to white settlers for lands within the bounds of this reserved area were prohibited. This interposition of the British Crown between the Indian and colonial interests was a reaction to past "...Frauds and Abuses...committed in purchasing Lands of the Indians."[3] Also, within the context of the Seven Years' War, the British Government's primary purpose was to achieve "...the Preservation of the Internal Peace and Tranquility of the Country...."[4]

While protecting Indian lands from direct alienation, the Royal Proclamation also made room for the progressive expansion of settlement. Free trade was therefore encouraged, but under the auspices of a licensing system. Similarly, provision was made for future acquisition of Indian lands.[5] This clause, in particular, indicated the qualified nature of the native inhabitants' status in relation to Britain's sovereignty. As the 1756 Report by the Secretary of Indian Affairs had observed:

> That memorable and important act by which the Indians put their Patrimonial and conquered Lands under the Protection of the King of Great Britain their Father against...incroachments or Invasions... is not understood by them as a cession or Surrender ....They intended to look upon it as reserving the Property and Possession of the Soil to themselves and their Heirs.[6]

From the native peoples' perspective, the Royal Proclamation of 1763 guaranteed their sovereign claim to their own land, rather than the Crown's prerogative for subsequent land cessions.

Until the 1820's this difference in interpretation was obscured by an informal policy which complemented the Proclamation. Since the early 1750's, Britain had considered the Indian as a potential ally in any conflict with European powers for dominance in North America. To this end, presents connoting friendship were annually distributed: guns and munitions, clothing, tobacco, food and liquor were offered in return for support during war and to maintain a mutual accord during peace.[7] This practice continued until 1822, when the Colonial Secretary, the Earl of Bathurst, proposed a reduction of the Indian Department, "with a view to its ultimate abolition," as a measure towards reducing colonial expenditures.[8] As the native inhabitants' military support was no longer immediately relevant to Britain's position in North America, financial expediency justified putting an end to the annual distribution of presents.

Of equal importance for the native peoples, the proposed curtailment of the informal policy opened a further discussion. The Royal Proclamation's assertion of sovereign protection over Indian lands implied obligations which would have to be defined and resolved, especially in the face of a growing settlement frontier.

(ii)

From the late 1820's until the late 1850's, the discussions concerning the reformulation of Indian policy tried to reconcile the concept of sovereign protection with the changing needs of an expanding colony. The resulting revised approach to Indian-White relations was a reflection of the values and priorities of British-Canadian society; the present and future position of the native inhabitants depended upon this perspective. Indeed, for the native peoples, the policy recommendations authorized in 1838 made apparent a cultural attitude which was to remain fundamental to future Indian-White relations.

The Indian policy officially recognized in 1838 was primarily a rubber stamping of proposals set down by the Committee of the Executive Council of Lower Canada. Yet, a preliminary discussion which began in 1829 revealed the underlying conception of Indian-White relations. Responding to the Colonial Secretary's directive to reduce the Indian Department, in a letter of May 7, 1829, Sir John Colborne, Lieutenant-Governor of Upper Canada, had reported:

> A very beneficial change has been produced among the Indians along the Credit River. If the order and regularity which has been established among them can be extended to the other tribes in this Province and a fund created for their future support, by authorizing their lands to be leased, and in some cases to be sold, the system which has involved H.M. Government in an enormous expense may be discontinued.[9]

Colborne's recommendation was part of his answer to a petition which he had received from "...the said Mississagas living on the said river Mazenahekasepa, or Credit...." Reacting to the encroachment of white settlement in their reserved territory, the Mississagas had complained of trespass and the concomitant disruption of their subsistence economy. Accordingly, on March 29, 1829, An Act the Better to Protect the Mississaga Tribes[10] had been passed to reconfirm the Crown's sovereign protection over Indian lands. The Lieutenant-Governor's subsequent commendation of the "order and regularity" among the Credit River Indians, and his suggestion that a fund be established through land sales to carry forward the present programme, were also consistent with the provision in the Royal Proclamation for White settlement expansion. Indeed, since 1763 various missionary groups had determined to counter the social ramifications of Indian-White contact by establishing model communities, such as Credit River, to "tutor" the native inhabitants in the industrial habits of civilization and the gospel of Christianity.[11] Sir John Colborne saw these communities as an expedient solution to the displacement of the Indian peoples, and one which was in harmony with the values and attitudes of the White settlers. Thus, the new priorities of expansion recommended a policy which "/authorized/ their lands to be leased, and in some cases to be sold...," even though the 1763 Proclamation had specified that future land cessions were to be initiated only by the Indian peoples' request "...at some public Meeting of Assembly...."[12]

Colborne sent his new priorities to Sir James Kempt, the Governor of Lower Canada. After having adapted them, in May, 1829, Kempt forwarded a more detailed version of Colborne's proposal to the Colonial Office:

> 1. To Collect the Indians in considerable numbers, and to settle them in villages with due portion of land for their cultivation and support.
>
> 2. To make such provision for their religious improvement, education and instruction in husbandry, as circumstances may from time to time require.
>
> 3. To afford them such assistance in building their houses, rations, and procuring such seed and agricultural implements as may be necessary, commuting where practicable, a portion of their presents for the latter....[13]

The "order and regularity" which Lieutenant-Governor Colborne had observed of Credit River was now the foundation for land reservations whose native inhabitants would be "tutored" with the hope that they would gradually disappear into British-Canadian society. Whereas the Royal Proclamation of 1763 had stipulated the supervision of Indian-White interaction for the maintenance of frontier peace, the expanded supervision of the Indian peoples' way of life envisioned by Kempt's programme marked a significant change. For the native inhabitants, sovereign protection now implied a social and cultural transition as well as official recognition of their right to occupy the land. The commutation of the presents, recommended by Kempt, would enable this transition; the final reconciliation of settlement expansion with the obligations implied by sovereign protection would be ensured through assimilation.

As a corollary of his recommended policy for integrating the native peoples, Sir James Kempt also pointed out that by asserting sovereign protection over the Indians' reserved lands, a political and legal ambiguity would result. Unlike settlement land tenure, the nature of the land title afforded Indians meant that they held their land in common; if the native inhabitants were to be fully integrated with British-Canadian society, this legal incongruity would have to be removed. Accordingly, as a step towards possession of their land in fee simple, Kempt suggested that each Indian family was entitled to a one hundred acre lot of reserved land; their claim would be signified by a location ticket. Final title to these lots could be achieved by fulfilling certain cultivation and dwelling requirements which would enhance the value of the land.[14] This suggested solution to the question of land tenure meshed with Kempt's initial recommendations to enable the Indian peoples' social and cultural transition.

The British Government readily approved Sir James Kempt's proposals for a civilization programme as being in accordance with their own conception of the future nature of aboriginal-White relations. In 1830 Sir George Murray, secretary of state for war and the colonies, wrote to Kempt remarking on the attitude emerging from current Indian-White relations:

> If, on the one hand, there existed a disposition in the aboriginal inhabitants to cling to their original habits and mode of life, there was a proneness also in the new inhabitants of America to regard the natives as an irreclaimable race, and as inconvenient neighbours, whom it was desirable to remove.[15]

Continuing on, Murray outlined the moral obligation of the civilized world towards the "savage":

> It appears to me that the course which had hitherto been taken in dealing with these people [Indians], has had reference to the advantages which might be derived from their friendship in times of war, rather than to any settled purpose of gradually reclaiming them from a state of barbarism and of introducing amongst them the industrious and peaceful habits of civilized life.[16]

Indicative of the British Government's colonial perspective, Murray's appraisal of Indian-White interaction expressed the inherent cultural values which endorsed the reformulated Indian policy of 1830.

In 1836 the British Government put forward again its request for revision of the Indian policy in British North America. Colonial Secretary Lord Glenelg instructed the Governor of Lower Canada and the Lieutenant-Governor of Upper Canada:

> Looking...to the Moral and Religious Improvement of the Indians and their Instruction in the Arts of Civilized Life, as the principle Object to be kept in view in our Intercourse with these Tribes, I am anxious that your Inquiry /into Indian Affairs/ should be specificially directed to the Practicability of effecting a commutation of the Presents for some object of permanent Benefit and Utility to the Parties now receiving them. It was with this Motive that Agricultural Implements have of late been included among the Presents, but I hope it may be possible to carry the Principle into more extended Operation.[17]

Reflecting the moral obligation which the Colonial Office attached to sovereign protection, Glenelg's directive stressed the promotion of a programme for "civilizing" the Indian peoples. The rationale behind the Colonial Secretary's viewpoint was consistent with the attitude expressed by the 1837 Report of the Select Committee on Aborigines.[18] Drawn up by a special Government commission, the Report focussed on Britain's technological superiority over uncivilized nations and the necessity of maintaining, not abusing, Britain's traditional respect of aboriginal lands. This perspective assumed that technological superiority was synonymous with culture. Accordingly, the Select Committee established a policy for the cultural assimilation of all native peoples; the ultimate protection the British Crown could offer was the elevation of savage and semi-civilized nations to a position of equality. With this conception of aboriginal-White relations in mind, Lord Glenelg considered the recommendations which the Committee of the Executive Council of Lower Canada forwarded in 1838.

Essentially, the 1838 Executive Committee's Report envisioned a reserve Indian policy similar to Sir James Kempt's proposal in 1830 for a civilization programme. Reconciling sovereign protection with the imperatives of the settlement frontier, the Committee supported the commutation of the annual presents. Trinkets and ornaments were to be substituted for agricultural implements, while the issue of fire arms and ammunition was to be discontinued, "except to old Hunters." Emphasizing the revised priorities which were now the basis for Indian-White relations, the Report also determined that wandering Indians would not receive presents unless they settled and cultivated the soil.[19] From the Committee's point of view, the Royal Proclamation's sovereign protection of Indian lands had been established to "...secure to the Indians their ordinary means of subsistence."[20] By tilling the soil the displaced Indian peoples would again be self-sufficient; the distribution of agricultural implements would recompense their lost hunting territory. As a part of this rationale, the Report also discussed the relative advantages and disadvantages of locating the Indians in "separate Masses" or "...sprinkling them over Tracts already peopled...."[21] Continuing expansion of settlement and the Crown's prerogative for subsequent land cessions made the choice. As the Committee declared:

> the Land so reserved shall be inalienable by the Indians without the consent of the Executive Government; and it shall be in the Power of the Government, should the Indians not cultivate the Land, to remove them hereafter to other Hunting Grounds, when the Advance of Settlements may render such a Measure expedient; but if they should cultivate it, then to contract the Limits of their Reservation to such an Extent as would leave them the Means of procuring an adequate and comfortable Subsistence.[22]

Lord Glenelg sanctioned the Executive Committee's 1838 recommendations as embodying the Crown's obligations. From the Colonial Secretary's point of view, the continuing pressures of colonial growth made Indian reservations a valid revision of the intent behind the 1763 Proclamation's sovereign protection. He stated:

> It is essential that [the Indians] should have a Sense of Permanency in the Locations assigned to them; that they should be attached to the Soil, by being taught to regard it as reserved for them and their children by the strongest Securities. Their Locations therefore should be granted to them...by a Grant under the Great Seal of the Province, on such Terms and accompanied by such Provisions as shall render them unattachable by Creditors, and inalienable either by the Tribe or any Occupant, without the joint Concurrence of the Lieutenant Governor for the Time Being, the Principal Chief of the Settlement and the resident Missionary or Missionaries.[23]

This comprehension of the purpose behind the land reservations and accompanying civilization programme, echoed the moral authority expressed by the 1837 Select Committee on Aborigines. The Committee had argued that the Crown's protection ultimately entailed making full provision for the assimilation of the Indian peoples; as a transitionary safeguard the Crown was obliged to assume the role of guardian.[24] Similarly, Glenelg saw the maintenance of sovereign protection as guaranteeing the native inhabitants' land title was considered a stepping-stone towards complete integration within British-Canadian society, the attendant terms of the guarantee paradoxically set the native inhabitants apart. Overlooking this contradiction, Glenelg summarized the 1838 policy recommendations as being designed to raise the Indian peoples to a "capacity to enjoy and appreciate the Rights of free British subjects...to extend and consolidate the Advantages which they possess as the Dependents of the British Crown."[25]

The Colonial Secretary's perspective was consistent with the nature of Indian-White relations assumed by the 1838 Indian policy; through the implementation of a civilization programme the native inhabitants would attain a position of equality. This attitude was the cultural counterpart of the political and legal ambiguity resulting from policy which Sir James Kempt had pointed out in 1829-30. By maintaining sovereign protection over reservation lands, the Crown had created a legal impediment to the Indian peoples' full participation in British-Canadian society; whether or not this problem would persist, rested on the cultural and social values inherent in the Indian policy. Indeed, in 1838 the Committee of the Executive Council of Lower Canada expressed the on-going conception of Indian-White relations. In the process of deciding to end the annual distribution of presents, the Executive Committee had argued that the customary presents had "[fostered the Indians'] natural Improvidence by estranging them from the ordinary Pursuits and Industry of civilized Life..;"[26] and had kept the Indians "under the special Tutelage of the Crown,..apart from the rest of society."[27] The informal policy, it was claimed, had exacerbated the Indian peoples' innate inertia, perpetuating the inherent inequality between Indian and White society.

By 1838, therefore, the reconsideration of Indian policy had sanctioned land reservations and the "civilizing" of the Indian peoples. As the basis for future Indian-White relations, this policy was not so much an innovative response as an expedient reconciliation of the concept of sovereign protection with the changing settlement frontier; for the native inhabitants, the underlying cultural perspective defined the nature of colonial expansion. Indeed, the values and priorities embodied in the 1838 policy completely displaced the Indian peoples' comprehension of their status in relation to British-Canada, as expressed in 1756. Furthermore, the Indian policy authorized by Lord Glenelg in 1838 was inherently contradictory. While establishing broad guidelines to enable the social and cultural transition of the native inhabitants to a position of equality within British-Canadian society, the policy simultaneously recognized the Indian peoples' condition as being unequal and dependent. The main thrust of further reconsiderations of the 1838 Indian policy was to centre on this contradiction.

(iii)

In 1845 the Government of the United Provinces of Canada commissioned a Report on the Affairs of the Indians in Canada. The Commission accepted the approach to Indian-White relations established by the 1838 policy. Restating the responsibility to continue to acknowledge the Indians' prescriptive title to the annual presents,[28] the Report argued that the Indian peoples' reliance on the presents "doubtless had the effect of encouraging their natural indolence..," yet the issue was necessary "until [the Indians] shall be raised above the helpless condition to which it has mainly contributed to depress them."[29] Accordingly, the commutation of these presents would have to be graduated to meet the different levels of advancement from semi-civilized to civilized among the native inhabitants.[30] As a part of this graduated scale, the Commission endorsed the terms of the 1838 civilization programme: sovereign protection continued to authorize an education programme, Christianization, and instruction in agriculture.[31] Thus, the 1845 Report supported the general policy which envisioned eventual cultural and social equality, and economic self-sufficiency for the Indian peoples.

Yet, the Commission's prefix to these basic recommendations focussed its main concern:

> Since 1830, a more enlightened policy has been pursued, under instructions of the Secretary of State,...to promote [the Indians'] civilization, but the system, although improved, has had a tendency to keep the Indians in a state of isolation and tutelage, and materially to retard their progress.[32]

The 1845 Commission intended to curb a continuing state of dependence among the Indians. The Report pointed out a fundamental cause for the current state of Indian-White relations. Since the reduction of the annual British Parliamentary grant to L 20,000 in 1830,[33] the available funds had hardly met the costs of the annual presents and administration of Indian Affairs. This financial situation was compounded by the vast geographic area which defied close supervision of White encroachment. As a result both the protection of land reserves and the civilization programme had remained largely theoretical. The civilization programme connoted equality and self-sufficiency for the native peoples, yet in application the policy was all but non-existent.

The 1845 Report suggested that the exigencies of Indian Affairs' financing be eased through the creation of an Indian Fund. Based on the revenue from uncontrolled settlement expansion, this Fund explicitly recognized White encroachment. Squatters whose improvements had increased the value of their own and surrounding land were given the right of pre-emption at a price fixed by the Government. Similarly, with regard to the illegal cutting of timber, the Report suggested that measures be taken to encourage a lawful trade through issuing licences from the Deputies of the Crown Land Department. The proceeds from both the sale of pre-empted land and licences would be invested in the Indian Fund, which if "judiciously managed would soon be amply sufficient, not only to provide education...but also to pay the expenses of the Department...."[34] As a part of colonial development, the Indian Fund represented a further modification of the concept of sovereign protection which looked towards the self-support of the native inhabitants.

The suggested Indian Fund was also an expression of the cultural perspective underlying the 1838 recommendations. By making it possible to implement the prescribed policy, the Fund presumably would end the contradictory nature of Indian-White relations; the Indian peoples would be integrated with British-Canadian society rather than being defined as potentially equal and dependent. Indeed, to ensure the transition, the Commission stipulated that the civilization programme was to require economic self-sufficiency and hire Indians to erect buildings and perform other services for their own benefit.[35] If these terms were not applied, the 1845 Commission believed that the native inhabitants' inability to be self-reliant would result in their demanding of policy an on-going security. To prevent such an obligatory relationship was as important as the cultural and moral responsibility of elevating the Indians to a position of equality.

For the Indian peoples, however, basing policy implementation on the principle of self-sufficiency was the same as limiting the civilization programme to terms made possible by the Indian Fund. In turn, these funds were directly tied to the progress of settlement expansion. The future existence of the native peoples, therefore, was likely to fall short of the aspirations set down in the 1838 policy. The civilization programme would still remain as much a rhetoric of transformation as a reality, while the British-Canadian perspective which saw the Indians as separate and unequal would be reconfirmed. The application of policy, no matter how adequate or insufficient, would continue to be judged according to the cultural premise of wardship.

Having proposed the Indian Fund as the practical means to end the discrepancy between the aspirations of the 1838 Indian policy and reality, the 1845 Report then addressed the legal and political ramifications of the native inhabitants' ambiguous position in relation to White society. Consistent with earlier decisions, the Commission saw the native peoples' social inequality as partly attributable to the Crown's assertion of sovereign protection over reserved Indian lands:

> Among the consequences of the peculiar title under which the Indians hold their Lands, are their exclusion from the political franchise, and their immunity from statutory labor, the exemption of their lands from taxation, from seizure from debt, and the exclusion of White settlers from their reserves.[36]

Expanding on this observation, the 1845 Report reiterated the viewpoint expressed by the Executive Committee of Lower Canada in 1838. Initially "the Crown [had assumed] the office of [the Indians'] Guardian [because of] the incapacity of the wild and untutored Indians to protect their lands... from encroachment."[37] Yet the Government's continuing policy of guardianship perpetuated a state of dependence which was "encouraging the Indians' natural indolence and improvidence."[38] Implicitly and explicitly, this rationale ignored the Commission's own recognition that inadequate financing was a root cause of the Indian peoples' continuing dependence on policy. Instead, the Commission persisted in viewing the problem as being the tension resulting from the native inhabitants' incapacity and the Government's role as guardian. Essentially, both of these factors were expressions of the same British-Canadian cultural perspective.

This perspective underlay the solution proposed by the Chief Superintendent of Indian Affairs. Discussing a resolution to the "peculiar title" resulting from the Crown's protection of reserved Indian lands, Chief Superintendent Jarvis stated:

> Although there are some Indians at this moment fully competent to exercise these rights (political privileges) yet the different reasons I think is not advisable /sic/ for some time, nor until a great improvement takes place in their condition, to grant them.[39]
>
> I think, however, that if any plan could be devised to prevent alienation, and at the same time confer the political privileges incident upon having Titles to Lands, without also incurring the consequences incident upon their Liability for debts in the Province, Titles might be given as a reward to industry and capacity, but I apprehend great difficulties will be found to stand in the way of such a plan.[40]

Jarvis' proposal attempted to secure to each Indian a title deed to his land under the sovereign protection of the Crown, and still leave room for the Indian peoples' eventual economic, social and political independence. His proposal also assumed the Government's continuing role as guardian of the native peoples. In so doing, this suggestion expressed the contradiction and tension inherent in the revised Indian policy; the Crown's sovereign protection both assumed and confirmed the native peoples' condition of dependence, while the primary aim of policy was to enable their social and cultural equality.

The specific terms accompanying the Chief Superintendent's suggestion differed little from those which Sir James Kempt had made in 1830. The Indian peoples' reserved land was to be sub-divided into family plots, not exceeding 100 acres. A limited title deed would secure this land to the holder and his heirs, and allow the power of transfer within his family or Tribe, but not to any white man. The basic rationale behind this recommendation held that the individualization of the Indian's plot of land would act as a catalyst to the civilization programme; the absence of distinct ideas of separate property had detracted from the Indian's will to exert himself "because no man....[would attempt]...to procure the comforts of life unless his right to enjoy them [was] exclusive and secure."[41] To ensure that the native inhabitants were "educated" to this comprehension, the 1845 Report finally recommended that if an Officer of the Indian Department deemed an Indian to be "qualified by education, knowledge of the arts and customs of civilized life,...habits of industry and prudence.." to secure and maintain his own interests as an independent member of the community, the Government would be prepared to grant him a patent for the land under his cultivation or occupation. This patent would also include as much additional land as the Indian was entitled to upon an equitable division of the reserve of his Tribe, but not in excess of 200 acres. All further claims to share in annual presents would be relinquished, but any title to share in an annuity or other property of the Tribe would be retained.[42]

These terms seemed to clarify what Sir James Kempt had defined as the ambiguous nature of Indian land title, by establishing that in order to attain political and legal independence the native peoples must first be placed in a protected condition of dependence. On the one hand, from this perspective no ambiguity existed. On the other hand, the basis of the terms accommodated a state of inequality while, paradoxically, presuming ultimate enfranchisement. For the Indian peoples these recommendations were the core of the civilization programme earlier authorized in 1838. Furthermore, this conflict or paradox within the policy itself would continue as the essence of Indian-White relations, reducing the guidelines and future aspirations accompanying the civilization programme and the reserved lands to superficial significance.

(iv)

In 1839 Mr. Justice Macaulay had already discussed the long-term implications of Chief Superintendent Jarvis' proposal for the future complexion of British-Canadian society. To determine the basis for Indian-White relations

Macaulay had turned to the Courts of Justice. He pointed out that if Indians possessed sufficient freehold property, the protection of both the civil and criminal laws of the Province was available to Indians, as were all the political privileges enjoyed by British-Canada. Placing the principle of legal equality above cultural attitudes, Macaulay went on to argue that the discrepancy between European and Indian rights was not based on race, but rather was a product of the Government's persistent belief in the necessity of protecting both the native inhabitants and their lands. This denied the Indian tenure of his land in fee simple and had led to the belief that Indian peoples did not possess these rights,[43] but were wards. The social and political ramifications of the Indians' "peculiar title" were reconfirming the presumed cleavage between civilized and uncivilized peoples.

Mr. Justice Macaulay's solution outwardly was similar to Chief Superintendent Jarivs' proposal. He suggested that as "they advanced in civilization," Indian families would be induced "to settle on separate farms and become holders in Fee Simple, in their own individual right, subject to all the existing privileges and burthens of such tenure...."[44] However, the criteria for determining political status rested on the nature of the Indian peoples' land tenure, not on the relative attributes of savage and civilized.[45] Under civil and criminal law the native inhabitants and British-Canadian settlers enjoyed equality.

Accordingly, Macaulay had asserted "that in present arrangements to guarantee [the Indians'] Lands, provision should be made for effecting such partition whenever circumstances may admit."[46] Two years later, in July of 1841, Lord Sydenham had expressed the sentiment behind this recommendation:

> All my observation had completely satisfied me, that the direct interference of the Government [sovereign protection] is only advantageous to the Indians who can still follow their accustomed pursuits, and that if they became settlers, they should be compelled to fall into the ranks of the rest of Her Majesty's subjects, exercising the same independent controul over their own property and their own actions and subject to the same general law as other citizens.[47]

Instead, the Chief Superintendent of Indian Affair's recommendation in 1845 entrenched the Indian policy of 1838 with a further affirmation of the social and cultural differences between the Indian peoples and White society. In addition, if the stipulated terms for full enfranchisement were to be met, then the authorized policy would have to be fulfilled. However, the 1845 Commission's recommendation that financing rest on the imperatives of the settlement frontier meant that policy implementation would be restricted to the potential of the Indian Fund. Thus, the British-Canadian cultural perspective and the priorities of the settlement frontier, rather than the legal principle of equality, would continue as the foundation of Indian policy.

In 1857 this approach to Indian-White relations was officially declared by An Act to Encourage the Gradual Civilization of the Indian Tribes in this Province, and to Amend the Laws Respecting Indians.[48] The statute's preamble summarized the revised conception of sovereign protection. Desiring "to encourage the progress of Civilization among the Indian Tribes," the Act looked to the "gradual removal of all legal distinction between [the Indians] and Her Majesty's other Canadian subjects," through facilitating "the acquisition of property and of the rights accompanying it." Implicitly, this Act assumed that land reservations and the civilization programme were essential for the Indian peoples' transformation. Explicitly, the terms of the statute declared that the native inhabitants were wards of the Crown. Of more immediate significance for the native inhabitants, the main thrust of this legislation was an extension of the rationale guiding application of policy. The Indians' deficiencies, whether legal or social, were only to be temporary; the principle of self-sufficiency underlined the redirecting of their existence. This over-riding concern to prevent the state of dependence, which was itself integral to the Government's conception of Indian-White relations, reflect a conflict within Indian policy. Almost irrespective of the policy's own aspirations, the Government wanted to avoid perpetuating the condition of wardship which its legislation made synonymous with the Indian peoples.

During the early 1870's, when British-Canada extended her sovereignty to incorporate the North-West Territories, the Dominion Government confirmed that the approach to Indian-White relations chartered in 1857 would continue as part of the growth of the settlement frontier.

For the native inhabitants of the North-West, this preconception was indicated by the nature and content of the treaties which the Dominion Government negotiated from 1870 to 1877.[49] Indeed, in 1876 the Indian Act formally established that the pre-Confederation Indian legislation and policy would apply to all the native peoples of the Territories. This legislation automatically assumed that the premise of wardship would govern future Indian-White interaction.

As an earlier reflection of this rationale, in 1845 the Commission had defined the lasting significance of treaties as a part of the imperatives of the settlement frontier: in the face of "the tide of Immigration," the treaties had allowed the Indians to remove quietly to more distant hunting grounds, or to confine themselves within more limited reserves, "instead of leaving them and the white settlers exposed to the horrors of a protracted struggle for ownership."[50] Correspondingly, in the North-West Territories, the primary purpose of the treaties was to control and contain Indian-White interaction. This would enable the subsequent application of the civilization programme.

Adhering to this pre-Confederation pattern for Indian-White relations, the Dominion Government considered that both of these steps were essential for the native inhabitants' cultural and social transformation. Indeed, the necessity for containing and appeasing the Indian peoples interpreted and directed the initial interaction between the Government and the native peoples of the Territories.

Similarly, the later application of the civilization programme was over-shadowed by the question of wardship, and consequently was marked by a drive for economic self-sufficiency. For the Blackfoot peoples, therefore, the social and cultural ramifications of Canada's westward expansion had been largely shaped by British-Canada's reinterpretation of the Indian policy originally established by the Royal Proclamation of 1763.

FOOTNOTES:

[1] Royal Proclamation of October 7, 1763. Reprinted in *Revised Statutes of Canada*, 1970, Appendices, at pp. 127-129.

[2] *Ibid*.

[3] *Ibid*.

[4] Lord Egremont to Lords of Trade, May 5, 1763. As printed in *Canadian Archives Documents Relating to the Constitutional History of Canada: 1759-1791* (Ottawa: King's Printer, 1907), A. Shortt and A. Doughty, eds., pp. 93, 94-5.

[5] Royal Proclamation of October 7, 1763. *R. S. C.*, 1970, pp. 127-129.

[6] Secretary Wraxall to Sir William Johnson, January 9, 1756. Documents Relative to the Colonial History of the State of New York, Vol. 7 (E. B. O'Callaghan ed., Weed, Parsons Company, Albany: 1856), p. 18, cited in *Native Rights in Canada* (Toronto: The Indian Eskimo Association of Canada in association with General Publishing Co. Limited, 1972), Peter A. Cumming and Neil H. Mickenberg, eds., p. 24.

[7] Robert J. Surtees, "The Development of an Indian Reserve Policy in Canada," *Ontario History*, LXI (2), June, 1969, p. 87.

[8] "Report on the Affairs of the Indians in Canada," *Journals*, *Legislative Assembly of Canada*, 1844-5, Appendix E.E.E., Section I, "History of the Relations Between the Government and the Indians." There is no pagination for this report. Hereafter cited as *J.L.A.C*. *1844-5*.

[9] Duncan C. Scott, "Indian Affairs, 1840-1867," in *Canada and Its Provinces*, V, p. 332.

[10] An Act the Better to Protect the Mississaga Tribes, Living on the Indian Reserve of the River Credit, in their Exclusive Right of Fishing and Hunting therein. March 29, 1829. 10 George IV (1829) Ca.p 3 (Upper Canada). Reprinted in *Canadian Indians and the Law: Selected Documents, 1663-1972* (Toronto: McClelland and Stewart Limited, 1975), Derek G. Smith, editor, pp. 32-34.

FOOTNOTES continued:

[11] Much of the information provided to the 1837 Select Committee on Aborigines came from Missionaries in the Provinces of Canada. See Report from the Select Committee on Aborigines (British Settlements), House of Commons *Sessional Papers*, 1837, Vol. I, Part I, pp. 177, 368-69, 498-99; Vol. I, Part II, pp. 6-10. The 1839, 1844-5, and 1858 Reports on Indian Affairs in Canada cited in this chapter also contain extensive reports from Missionary groups. From the anthropological perspective see: Elizabeth Graham, *Medicine Man to Missionary: Missionaries as Agents of Change Among the Indians of Southern Ontario, 1784-1867*. Toronto: Peter Martin, 1973.

[12] Royal Proclamation of October 7, 1763.

[13] P. A. C., RG 10 Vol. 5. Kempt to Colborne, May 16, 1829, cited in R. J. Surtees, "The Development of an Indian Reserve Policy," p. 92.

[14] *J.L.A.C., 1844-45*, Appendix E.E.E., Section I, "History of the Relations Between the Government and the Indians," n.p. Sir James Kempt set down a six-point policy: within three years of the date of the Location Ticket 8 acres had to be cleared and cultivated, within eighteen months a dwelling house erected. An infraction of these terms and the 100 acre lots would revert to the Crown. Unlike the provisions authorized in 1845, the Indian peoples were not required to satisfy the assimilative aspirations of the Indian Department.

[15] P. A. C., RG 10, Vol. 116. Murray to Kempt, January 25, 1830, cited in R. J. Surtees, "The Development of an Indian Reserve Policy," p. 90.

[16] *Ibid*.

[17] Lord Glenelg to Earl of Gosford, January 14, 1836, *P.P.*, 1839, p. 221. Hereafter Great Britain, House of Commons *Sessional Papers* will be cited as *P.P.*

[18] Report from the Select Committee on Aborigines (British Settlements), House of Commons *Sessional Papers*, 1837, VII.

FOOTNOTES continued:

[19] "Copies or Extracts of Correspondence since 1st April, 1835, or Correspondence between the Secretary of State for the Colonies and the Governors of the British North American Provinces Respecting the Indians in those Provinces," House of Commons *Sessional Papers*, 1839, XXIV. Hereafter cited as P.P., 1839. For a discussion of the land policies, of which this correspondence was both directly and indirectly a part, see Lillian F. Gates, *Land Policies of Upper Canada*(Toronto: University of Toronto Press, 1968), particularly Chapters 13, 14.

[20] Earl of Gosford to Lord Glenelg, July 13, 1837, *P.P.*, 1839, p. 243.

[21] *Ibid.*, p. 245.

[22] *Ibid.*

[23] Lord Glenelg to Earl of Durham, August 22, 1838, *P.P.*, 1839, p. 226.

[24] Lord Glenelg to Sir G. Arthur, K.C.H., August 22, 1838, *P.P.*, 1839, p. 306.

[25] Report of the Select Committee on Aborigines (British Settlements), House of Commons *Sessional Papers*, 1837, Vol.I, Part II, p. 75. For a compartive colonial perspective, as well as a discussion of the decisions leading to the 1838 Indian policy, see L. F. S. Upton, "The Origins of Canadian Indian Policy," *Journal of Canadian Studies*, VIII, 4, November, 1973.

[26] Lord Glenelg to Sir G. Arthur, K.C.H., August 22, 1838, *P.P.*, 1839, p. 307.

[27] Earl of Gosford to Lord Glenelg, July 13, 1837, *P.P.*, 1839, p. 245.

[28] *Ibid.*

FOOTNOTES continued:

[29] J.L.A.C., 1844-45, Appendix E.E.E., Section I, "History of the Relations Between the Government and the Indians," n.p.

[30] Ibid.

[31] J.L.A.C., 1847, Appendix T, Section III, sub-section "General Recommendations" deals extensively with the question of education as the long term means of assimilating the Indian peoples. The Report notes:

> If in England more elementary instruction in reading and writing be found ineffectual to form the minds and establish the character of the youth of the nation, the same difficulty presents itself, with much greater force, in dealing with the Indian youth. Their education must consist not merely of the training of the mind, but of a weaning from the habits and feelings of their ancestors, and the acquirements of the language, arts and customs of civilized life. Besides the ordinary routine of a primary School, the young men should be instructed in husbandry, gardening, the management of stock, simple mechanical trades; the girls in domestic economy,...It is by means of Industrial or Manual Labour Schools, in which the above branches of instruction are taught, that a material and extensive change among the rising generation may be hoped for.

Industrial schools remained an integral part of Canada's Indian policy. While outside the bounds of this study, further considerations of assimilation through education can be found in: J. Donald Wilson, "'No Blanket to be Worn in School'": The Education of Indians in Early Nineteenth-Century Ontario," Social History, Vol. VII, No. 14, November, 1974; J.D. Leighton, "The Development of Federal Indian Policy in Canada, 1840-1890", p. 373-377 for a discussion of the "Report on Industrial Schools for Indians and Half-Breeds (Confidential)," Ottawa, March 14, 1879: Jacqueline Gresko, "White 'Rites' and Indian 'Rites': Indian Education and Native Responses in the West, 1870-1910."

[32] J.L.A.C., 1847, Appendix T, Section III, "Present Mode of Conduction of Indian Affairs with Recommendations for its Amendment," n.p.

FOOTNOTES continued:

[33] J.L.A.C., 1844-45, Appendix E.E.E., Section I, "History of the Relations Between the Government and the Indians," n.p.

[34] J.L.A.C., 1847, Appendix T, Section III, "Present Mode of Conducting Indian Affairs with Recommendations for its Amendment," n.p.

[35] Ibid.

[36] Ibid.

[37] Ibid.

[38] Ibid.

[39] Ibid. Robert J. Surtees, in "Indian Reserve Policy in Upper Canada, 1830-1845" (unpublished M.A. thesis, Carleton University, 1966), pp. 49-50, states: "Jarvis was quite right in balking at the transfer of land titles. The Indian would have to learn to live under English law before he became subject to it. It seems to me, that the Indian officials in this case, were much more sanguine than the other parties who professed to be working for the good of the Indian." Surtees has accepted the Government's own conception of Indian policy as the process of civilizing the native peoples, despite his own earlier assertion that the civilization policy was "an apartheid policy of progress." (p. 17) The issue being argued here is the nature of the Indian peoples' rights within British law as opposed to the cultural premise of wardship, which the emerging Indian policy contrived and supported.

[40] Ibid.

[41] Ibid.

[42] Ibid.

[43] J.L.A.C., 1844-45, Appendix E.E.E., Section I, "History of the Relations Between the Government and the Indians," n.p.

FOOTNOTES continued:

[44] *Ibid*.

[45] *J.L.A.C., 1844-45*, Appendix E.E.E., Section I, further states:

> That they /the Indians/ may share in, and are entitled to, all the political privileges of the whites when individually possessed of the necessary qualifications may be inferred from the fact, that John Brant, an Indian Chief of the six nations, was elected a Member of the Legislative Assembly of Upper Canada. The subsequent loss of his seat in that body, was occasioned in consequence of his not possessing sufficient Freehold property, and not on account of his origin.

Chief Justice Macaulay's 1839 recommendation also pointed out:

> In some few instahces Indians have become already Landholders, by the purchase or leasing of Lands from Whites.

J.L.A.C., 1847, Appendix T, Section III, n.p.

[46] *J.L.A.C., 1847*, Appendix T, Section III, "Present Mode of Conducting Indian Affairs, with Recommendations for its Amendment," n.p.

[47] Lord Sydenham to R. Hon. Lord J. Russell, 22 July, 1841, cited in *J.L.A.C., 1844-45*, Appendix E.E.E., Section I, "History of the Relations Between the Government and the Indians," n.p. Mr. Justice Macaulay, in his Report to Sir George Arthur in 1839, had stated:

> I would suggest inquiry how far a petition among the resident families, according to their rank or numbers, might be at once attempted, at least to a partial extent, with common consent; absolute Titles being nevertheless withhheld till justified by the actual settlement and improved condition of the locators.

[48] 20 Victoria (1857) Cap. 26 (Province of Canada)

[49] See: The Hon. Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the North-West Territories*. Toronto: Belfords, Clarke Co., 1880.

CHAPTER III

The Transition: Dominion Indian Policy and the North-West Territories: 1870 - 1874

From 1870 to 1874 the Dominion Government was concerned with the first stages of establishing Canadian sovereignty in fact, as well as in theory, over the North-West Territories. The question of reconciling the native inhabitants' prior occupancy of the land with the priorities of national expansion was central to this concern. Generally, the Indian policy administered by Government officials both in Ottawa and in the Territories followed a rationale similar to that which had previously determined policy in the Province of Canada: the interests of the Indian peoples of the North-West would have to be appeased and ultimately assimilated with the values and priorities of British-Canada. Further, the application of this policy was tied to the imperatives of the settlement frontier. Accordingly, by the late summer of 1871, Treaties One and Two had reconciled the Indian lands within the new Province of Manitoba with this perspective.

After the apparent success of these Treaty negotiations, the Dominion Government consistently refused to continued treating with the Indian peoples living beyond the immediate areas of White settlement. In addition, the response of the native inhabitants in the westernmost regions of the Territories to this refusal was interpreted by Ottawa as "Indian unrest." As a counterpart to the priorities of the settlement frontier, the Dominion Government assumed that the Indian was the aggressor. Thus, from 1872 to 1874 the protracted discussion surrounding the formation of the North-West Mounted Police exemplified the conflict between the British-Canadian comprehension and the native inhabitants' perception of western expansion. Ultimately, the imposition of the Mounted Police in 1874 was an act of expediency which subordinated the interests of the Indian peoples to the Dominion Government's desire for frontier stability.

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On October 27, 1869, Prime Minister John A. Macdonald revealed the Dominion Government's limited knowledge of the west. In writing to Adams G. Archibald, subsequently the Lieutenant-Governor of Manitoba and the Territories, the Prime Minister noted: "With respect to the Great West...We are in a happy state of ignorance as the events and requirements of that country."[1] Despite this admitted ignorance, upon returning from Red River in the late fall of 1869 the Secretary of State, Joseph Howe, recommended that official Indian-White relations be patterned after the pre-Confederation approach. Howe had proceeded to Red River to survey the political climate of the settlement. He reported that he had been indirectly informed that the Indians in the area had disavowed "the idea of being sold by the Company."[2] This objection also registered the native peoples' disgust at not having been consulted during the formal transfer of Rupert's Land and the North-West from the Hudson's Bay Company to Dominion jurisdiction. Consequently, Howe suggested that "...some form of Treaty or arrangement may be necessary. Anything will be better than an Indian War at that distance from the centre."[3] The Dominion Government's main concern was to appease the Indians and to maintain its own priorities for national expansion. The native peoples' concept of their land rights was not a consideration.

The instructions authorizing the first official treaty negotiations in the Territories reflected this attitude. The primary aim of this first treaty was the securing of the overland Dawson route to the Red River settlement. The formal transfer of the Red River area to Dominion jurisdiction in 1869 meant that Ottawa need only placate the native inhabitants in those areas directly influencing the country's development. Accordingly, in the spring of 1870 Robert Pither, a former Hudson's Bay Company employee at Fort William, was sent in the capacity of Indian Agent to Fort Frances. As his immediate purpose was to promote friendly relations between the Indians who frequented the Fort and the Dominion Government, Howe instructed that this conciliatory relationship be made binding by the distribution of presents to the Indian tribes along the route. These presents were intended merely as recognition of use of the right of way. At a later date the Government would compensate the Indians for their friendly cooperation and

"...cover by a Treaty any lands which they might be willing to part with and the Government deemed it politic to acquire."[4] The response of the Saulteaux Indians, inhabiting the Dawson route area, to the preliminary distribution of presents was unequivocal. As Chief Crooked Neck declared:

> Am I a pike to be caught with such bait as that? Shall I sell my land for a bit of red coth? We will let the pale-faces pass through our country, but we will sell them none of our land, nor have any of them to live amongst us.[5]

Chief Crooked Neck's rejection of the presents foreshadowed the general consensus later expressed by the Indians at the Treaty negotiations of July 11, 1871. When Commissioners Simpson, Dawson, and Pither, as the Crown's representatives, met with the Saulteaux and Lac Seul Indians at Fort Frances, the land "which the government deemed it politic to acquire" encompassed the entirety of "...their Territorial rights." In return, the Government proposed to set aside reserves of land for them and make annual payments.[6] More specifically, Secretary of State Howe instructed Commissioner Wemyss M. Simpson that the gratuity and annuity was tied to the imperatives of the settlement frontier. The sum of money offered to the Indians for their lands should not exceed the amount of potential revenue which arable lands in the ceded area would provide. Howe had also clarified that previously, in Ontario and Quebec, "...the highest price paid for the finest lands has seldom, if ever, exceeded four dollars per head per annum, to the Band with which the treaty was made."[7] Within these bounds, the Commissioner was to try to "...secure the session /sic/ of the lands upon terms as favourable as possible to the Government...."[8] The Indians at Fort Frances refused to sign the treaty, probably becuase of the all-inclusive nature of the land cession,[9] and its far-reaching implications for their future independence.

Despite this clear rejection of the Dominion's policy, the terms subsequently offered at Treaties One and Two, in August of 1871, repeated those stipulated at Fort Frances. Indeed, to underline the Government's position, Lieutenant-Governor Archibald established a procedure which countered the potential for Indian rejection of the terms offered, and which became the official method followed at later treaty negotiations with the Indians of the North-West. Believing that "military display has always a great effect on savages...,"[10] Lieutenant-Governor Archibald and Commissioner W. M. Simpson arrived at Lower Fort Garry, the site designated for the Treaty One negotiations, with an escort of soldiers. To avoid any future confusion the Lieutenant-Governor first required that the Indians confirm the authority of the Head men whom they chose as representatives. Then, to remove any uncertainty as to the Government's terms and intentions, Archibald set out the official definition of "reservation" as opposed to the Indians' conception of land cession. Significantly, Archibald prefaced this definition with the statement:

> in laying aside these reserves, and in
> everything that the Queen shall do for you,

> you must understand that she can do for you no more than she has done for her red children in the East. If she were to do more for you, that would be unjust for them. She will not do less for you because you are all her children alike, and she must treat you all alike.[11]

As in the Province of Canada,[12] the Treaty terms allotted reserves of land amounting to 160 acres for each family of five, or proportion thereof. Archibald also presented the Indians with the same alternative which the Province of Canada's slowly advancing settlement frontier had made more feasible; the Indians could choose to follow their traditional way of life or enter upon a reservation existence and support themselves by agriculture. In light of this alternative, the Indians themselves bargained for and received a promise of farm animals, implements, and supplies. While consistent with the pattern of treatying developed in Eastern Canada, these terms were not originally intended and consequently were enumerated as "outside" promises.[13] The Treaty also quaranteed that the Government would maintain a school on the reservation and protect the Indians from the traffic in liquor. Finally, in accordance with Howe's financial guidelines, each Indian was to receive a gratuity of three dollars, and an annuity of fifteen dollars per family of five.

The Indians treating at Lower Fort Garry met these terms in a manner reminiscent of the Saulteaux at Fort Frances. Believing they had the initiative on the land question, the Indians argued for a land settlement which included approximately two-thirds of the new Province of Manitoba. The Lieutenant-Governor's reply to this demand was an ultimatum - accept the Treaty as offered or cease negotiations. The Indians gave way.

The final signing of the Treaty bound the Indians to an irrevocable cession of their lands which carried with it an obligation to "maintain perpetual peace between themselves and Her Majesty's white subjects." The Dominion Government's first priority of peaceful penetration and settlement of the country did not recognize the native inhabitants' belief in their sovereign independence within the new Province of Manitoba. Instead, Lieutenant-Governor Archibald's negotiations had equated treaties with containment of Indian-White interaction, a preliminary to the implementation of the pre-Confederation civilization programme.

(ii)

While involved in moulding the existing Indian-White relations within the new Province to meet the Dominion Government's priorities, Lieutenant-Governor Archibald also realized that negotiations would have to be opened with the native peoples further to the west. He pointed out that the agreement reached at Treaty One would set a precedent: "In fact, the terms we now agree upon will probably shape the arrangements we shall have to make with all the Indians between the Red River and the Rocky Mountains."[14] Archibald's cognizance of the Indians throughout the remaining Territories was partly attributable to correspondence received from W. J. Christie, the Chief Factor of the Hudson's Bay Company, at Fort Edmonton. In a letter of April 13, 1871, Christie had informed Archibald that Chiefs of the Cree who inhabited the territory between Fort Edmonton and Carleton wished to be told of the intention of the Canadian Government towards their people:

> They were worried by the small-pox (which they knew derived from the Europeans) and the subsequent starvation, the poverty of their country, the visible diminution of the buffalo, their sole support...Many stories have reached these Indians through various channels, ever since the transfer of the North-West Territories to the Cominion of Canada, and they were more anxious to hear from myself what had taken place.[15]

To resolve the prevailing uncertainty, Christie had recommended to Archibald that treaties be carried out soom and that the Canadian Government send troops to maintain order. The social dislocation amongst the native peoples caused by disease, liquor, and a dwindling food supply was disturbing the balance in Indian-White relations which the fur trade had established. Company forts throughout the Saskatchewan Territory had become centres for conflict as much as for trade.[16]

The Chief Factor's letter was written at approximately the same time that Sir John A. Macdonald re-activated plans, originally broached in 1869, for the formation of a quasi-military force to regulate Indian-White interaction along the new settlement frontier of the North-West Territories:

> There must be organized ere long for the North West, a mounted police....With emigrants of all Nations flowing into that country we are in constant danger of an Indian War, and that once commenced God knows where it may end. This may be prevented by an early organization of a mounted police.[17]

8

A reflection of the general concern for appeasing the Indian peoples, Macdonald's proposal for a mounted force also assumed that the responsibility for Indian-White conflict rested with the native inhabitants. Nevertheless, the exact time for implementation of such a corps was vague. In a letter of April 14, 1871, the Prime Minister observed:

> We must trust for a long time yet to the moral influence exercised by the Hudson's Bay [Company] over the Indians....The Indians have hitherto been kept in check by the authority and influence of the Company, but strong attempts will be made by the American traders who will shortly overrun the Country to destroy that influence. When that takes place the only means of keeping the Indians in check will be made by a strong police or semi-Military Force. The work will not be so well done as it hitherto had been by the Hudson Bay Company's servants and will be a very expensive operation. So long as the Indians receive their annual presents from the hands of the Company they will feel that the Company is still a power and will obey its officers accordingly.[18]

Whether or not Macdonald's interpretation of the traditonal relationship between the Hudson's Bay Company and the Indian peoples was correct,[19] Chief Factor Christie's letter to Archibald had made it clear that whatever "power" the Company held over the Indians was quickly diminishing under changing circumstances. Archibald wrote the Prime Minister about this change on October 7, 1871. He asserted that the Dominion Government must recognize that "Fifty mounted Troopers should be in the North West, and you will have to make up your minds to provide them in the spring...." Archibald further stressed "...now that you have the key of the West in your hands, you must not lose it from undue dread of expenditure."[20]

The Lieutenant-Governor's request was not simply a reflection of his correspondence with Christie. A year earlier, in October of 1870, Archibald had commissioned an expedition under Lieutenant W. F. Butler to go to the Saskatchewan Territory to report on the current state of Indian-White relations. In fact, Archibald's authorization stemmed from the Dominion Government's own instructions of August 4, 1870. Under Secretary of State for the Provinces, E. A. Meredith, had required the Lieutenant-Governor to:

> turn [his] attention promptly to the condition of the country outside of the Province of Manitoba, in the North West; and while assuring the Indians of your desire to establish friendly relations with them, you will ascertain and report to His Excellency the course you may think most advisable to pursue, whether by Treaty or otherwise, for the removal of any obstructions that might be presented to the flow of population into the fertile lands that lie between Manitoba and the Rocky Mountains.
>
> [and] also make a full report upon the state of the Indian Tribes now in the Territories; their numbers, wants and claims, the system heretofore pursued by the Hudson's Bay Company in dealing with them, accompanied by any suggestions you may desire to offer with reference to their protection, and to the improvement of their condition.[21]

Archibald had informed Lieutenant W. F. Butler of these terms, and had impressed upon him that in fulfilling the instructions he was to "...be careful to obtain the information without in any manner leading the Indians to suppose you are acting under authority, or inducing them to form any expectation based on your enquireies."[22] The Dominion Government's first priority was settlement and only to this extent were the Indian peoples significant.

Lieutenant Butler's final report informed the

Lieutenant-Governor of the prevailing conditions amongst the native inhabitants of the westernmost part of the Territories, and proposed an Indian policy consistent with the future expansion of settlement. Surveying current Indian-White relations, Butler confirmed Chief Factor Christie's observations. He noted that until recently the Cree "had looked upon the white man as their friend." The major reason for their change in attitude was the increasingly rapid disappearance of the buffalo: "Year by year the prairies... /were/ becoming denuded of animal life, and year by year the affliction of starvation /came/ with ever-increasing intensity upon the land." In particular, "all along the line of the North Saskatchewan, from Carlton to Edmonton House," where the same scarcity prevailed, the Indian attributed the lessening of "his principal source of food to the presence of the white and half-breed settlers" who actively competed for pemmican. Butler stressed that if this situation continued unchecked the present strain in Indian-White relations would "deepen into more positive enmity."[23]

To further his point, Butler reported that the presence of free traders, and the recent smallpox epidemic of 1870, were exacerbating the state of unrest. The Hudson's Bay Company had for many years discontinued using excessive amounts of alcohol to encourage trade throughout the Saskatchewan Territory. Since the end of the Company's monopoly in 1869, however, free traders from Red River had revived the use of liquor as the most effective means to compete in the fur trade. Furthermore, free traders from Fort Benton, Montana Territory, had penetrated into British Territory and had established a post on the Belly River, approximately sixty miles within the boundary line. Although Butler's expedition did not proceed through this south-western corner of the Territories, he relayed that:

> Indians visiting the Rocky Mountain House during the fall of 1870...[had] asserted that two American traders, well-known on the Missouri, names Culverston and Healy, [had] established...[a] post for the purpose of trading alcohol, whiskey, and arms and ammunition of the most improved description with the Blackfeet Indians....[24]

During the summer and early winter of 1869-1870, this over-flow of illicit liquor and arms trade from the United States had brought with it a smallpox epidemic, amother one of the "grievances which the Indian affirms he suffers at the hands of the white man."[25] First infecting the "South Peagin" [Piegan] tribe, on the headwaters of the Missouri, "the disease spread to the tribes of Blood, Blackfoot and Lurcea [Sarcee] Indians located north of the border." From here the epidemic had been carried north-east and north-west to the Saskatchewan region by raiding parties of Cree bent on warfare with their traditional enemies.[26] Consequently, the pestilence spread from Rocky Mountain House to Fort Carlton, with "the district lying between Fort Pitt and Victoria...the scene of the greatest suffering."[27]

In addition to problems resulting from liquor and disease, Butler's report pointed to another outside factor which would continue to influence the course of Indian-

White relations both locally and between the Indian peoples and the Dominion Government. Reflecting on the American experience, he observed that the policy pursued by the American Government in their settlement of the regions lying south of the Saskatchewan was an "increasing source of Indian discontent." For some time throughout the territories of Dakota and Montana a state of hostility had existed between the Americans and the Sioux, "Blackfeet" and "Peagin" Indians, and latterly the American policy had degenerated to one of "'clearing out'" the red man."[28] Refering to the Piegan Massacre, he reported that already the impact of this policy had been indirectly felt by the Indians inhabiting British Territory. In the spring of 1870 a large party of troops had attacked a helpless, smallpox ridden camp of "Peagin" Indians situated close to the boundary. In the surprise attack, at daybreak, the American soldiers killed 170 men, women and children. Significantly, this tribe was part of "one of the four nations [which] comprise the Blackfoot league," a people who have "their hunting-grounds partly on British and partly on American territory."[29] Similarly, the recent rebellion of 1869-1870 in Red River was viewed as a first step towards such a policy. The Indian peoples believed that with the downfall of the Hudson's Bay Company, an influx of settlers threatened to occupy their hunting grounds, and would eventually drive the Indians from their land.[30]

In order for the Dominion Government to contain this growing unrest among the native inhabitants, Butler felt it was important for the Government officials to comprehend the differing natures of the Indian peoples of the Territories. He therefore divided the native inhabitants into two classifications. The " Prairie Indians" consisted of the "Blackfeet" and their kindred tribes of Bloods, "Lurcees," and "Peagins," the Cree of the Saskatchewan and the Assiniboines of the Qu'Appelle. These peoples subsisted almost entirely on buffalo, and perhaps more importantly, assembled in large camps, acknowledging the leadership and authority of men who had gained their stature from their abilities in warfare and the hunt. Inter-tribally, these Plains Indians maintained a perpetual state of war.[31] The "Thickwood Indians" were composed of the Rocky Mountain Stonies, the Swampy Crees, and the Saulteaux of the country lying between Manitoba and Fort Ellice. Gaining a living primarily from small game and fishing, these Indians lived together in small parties which recognized only the very nominal authority of their leader. Butler surmised that the "Thickwood Indians" were "a much more peacefully disposed people, because /they were/ less exposed to the dangerous influence of large assemblies."[32] Aside from this broad classification, Butler defined the real "Indian Question" as resting with the Blackfoot peoples and the Plains Cree:

> To the white man, as a white man, the Indian has no dislike; on the contrary, he is a pretty certain /sic/ to receive him with kindness and friendship provided always that the new-comer will adopt the native system, join the hunting camp, and live on the plains;

> but to the white man as a settler, or hunter on his own account, the Crees and Blackfeet are in direct antagonism.[33]

To prepare the way for settlement Butler proposed a two-part programme. He suggested that a state of order and security could be brought to the "fertile belt" of the Saskatchewan region by the appointment of a civil magistrate or Commissioner and the organization of a force from 100 to 150 men, one-third to be mounted. The role of the Commissioner was to give a "distinct and tangible idea of Government to the native and half-breed population, now so totally devoid of the knowledge of what law and civil government may pertain to."[34] Butler conceived that the establishment of such an authority, independent of the Hudson's Bay Company and the missionary societies already present, would inaugurate a new era "free from all associations connected with the former history of the country...."[35] The military corps would serve to enforce the necessary ordinances.

This method of containing Indian-White interaction was the preliminary stage towards the eventual settlement of the country. As to the exact region to be encompassed by the new regime, Butler suggested the land area on both banks of the Saskatchewan from Edmonton House to Victoria - an 80 mile stretch at a depth of six to eight miles - and the region from Carlton House eastward to the junction of the North and South Saskatchewans, with the river banks forming the limits. Necessarily, the Indian land title within these bounds was to be extinguished.

More important, in order to make this area secure for settlement, Butler proposed an innovative Indian policy which involved cooperative interaction between the native inhabitants and an appointed Commissioner. Asserting that the military protection of the line of the Saskatchewan from Indian attack was a "practical impossibility without a very great expenditure of money.."[36], he advised that a Commissioner be sent to meet the "tribes of the Saskatchewan during their summer assemblies." This Commissioner's primary purpose was the establishment of peace between the warring Crees and Blackfoot. In a line from the elbow of the South Branch of the Saskatchewan to the Peace Hills, fifty miles south of Edmonton, there existed a common Blackfoot-Cree territorial border. During the summer and autumn months continuous warfare indicated this demarcation. The Commissioner, by arbitrating disputes, particularly over horse stealing, could assert Canadian authority in a manner apparently harmonious with native society.[37] In order to maintain his authority, the Commissioner was also to visit the Indians in their camps, "conferring with them on points connected with their interests."[38] Over-all, Butler's recommendations were designed to complement the Government's settlement priorities through placating the native inhabitants. Yet, his suggestion that a Dominion representative listen to the native peoples' viewpoint was a modification of the Dominion Government's unilateral position.

As a source of information for Lieutenant-Governor Archibald, Butler's report saw the provision of a mounted force and the implementation of an Indian policy, which went beyond mere containment, as necessary for resolving the "Indian unrest." However, Prime Minister Macdonald's consideration of Indian-White relations outside of the Province of Manitoba remained dominated by the imperatives of frontier settlement. With respect to extinguishing Indian land title, the Prime Minister wrote to Lieutenant-Governor Archibald on November 18, 1870:

> We should take immediate steps to extinguish the Indian Title [somehow] in the Fertile Belt in the Valley of the Saskatchewan and open it for settlement. There will otherwise be an influx of squatters who will seize upon the most eligible positions and greatly disturb the symmetry of future surveys.[39]

From this perspective, the instructions authorizing the negotiations for Treaties One and Two in the summer of 1871 had also endorsed Simpson to act "as sole Commissioner to treat with the Indian Tribes to the West of the Province of Manitoba."[40] Again on January 16, 1872, treaties with the Blackfoot and Cree peoples were authorized by order-in-council.

This order-in-council coincided with correspondence from Commissioner W. M. Simpson. In describing the current state of Indian-White relations in the western region of the Territories, Simpson implied that formal recognition of the Indian peoples should not be timed according to the priorities of the Dominion Government's plans for settlement. As early as November 3, 1871, Simpson had advised the Government that the Cree and Blackfoot already knew that Treaties were being signed between the Queen and the Indian peoples of the eastern edge of the Territories. In addition, Simpson had enclosed a further report from Chief Factor W. J. Christie which had emphasized the necessity of a Treaty, or at least a promise of imminent negotiations, as essential to the peaceful furtherance of Canada's sovereignty.[41] Aside from the social and economic upheaval occasioned by disease, liquor and a diminishing food supply, the Cree considered, as did all the Indian peoples of the North-West, that Canada's sovereignty over the Territories was in question until their rights, particularly with regard to land, had been recognized through formal negotiations.

Similarly, in a letter of January 19, 1872, to Ottawa, Lieutenant-Governor Archibald repeated the essence of Simpson's correspondence and reiterated his own earlier message of October 7, 1871, that "so soon as the Spring opens" the Dominion Government must be ready with a force of mounted Troops for the North West."[42] From Archibald's point of view it was becoming increasingly apparent that the mounted force was a requisite advance guard to contain Indian-White interaction and to prepare the way for peaceful, orderly settlement. His experience during the Treaty negotiations of 1871, and the correspondence reporting on conditions in the far west, indicated that approaching Indian-White relations strictly on the basis of the Eastern Canadian experience was inconsistent with the interests expressed by the Indian peoples. Hence, this approach would neither promote nor ensure frontier stability.

The Lieutenant-Governor's repeated assertion that the time had arrived to send "a force of mounted Troops"[43] typified the increasingly common response to the so-called "Indian unrest" spawned by the lack of definite Government action. On August 1, 1872, the Manitoban published a letter from W. J. Christie which epitomized this interpretation of the current state of Indian-White relations:

> My experiences of the Indian tribes inhabiting the Saskatchewan District does not lead me to hope for the permanent peace of the country, and without such a force, I consider neither life nor property safe.[44]

The following month Commissioner Simpson's answer to Ottawa's query, as to whether or not treaty negotiations farther to the west were being carried out, echoed this observation. After having made preliminary enquiries, Simpson had judged that it would inadvisable, if not useless, to hold a council with the Saskatchewan Indians without the support of an armed force. In addition, Simpson pointed out that the annuity and gratuity presently being offered were insufficient inducements and that Chiefs, headmen and individual Indians expected to receive presents.[45]

By the summer of 1872, therefore, the state of Indian-White relations beyond the bounds of Treaties One and Two was being assessed from a perspective similar to Prime Minister Macdonald's 1870 prediction that eventually "...the only means of keeping the Indians in check [would] be a strong police or semi-Military Force." The contemporary situation matched this preconception which itself implied that the responsibility for Indian-White conflict rested with the native inhabitants. The call for the provision of a mounted police force was a part of this rationale.

(iii)

Upon arriving at Fort Garry in late August, 1872, Lieutenant-Governor Alexander Morris, Archibald's successor, informed Secretary of State Howe of the immediate cause for the "Indian unrest":

> The Indians in the plains were, as I am informed told that they would receive [a] visit last summer from the Commissioner, to prepare the way for a Treaty, but this was not carried out, and as the Indians look for the rigid performance of promises, they should be complied with as speedily as possible.[48]

Throughout the winter of 1872-73, and well into the following summer, the Dominion Government's response revealed to the new Lieutenant-Governor that official obligation did not go beyond satisfying immediate needs for settlement. The negotiations of treaties with the Indian peoples or, conversely, the provision of a peace-keeping force was tied to this priority. Morris persistently maintained that relations with the Indian peoples were "...the utmost important question we have to solve and [required] the most delicate handling."

Accordingly, in early June, 1873, Morris petitioned the Dominion Government for authority to negotiate two treaties with the Indians in the western region. He stated that the existing Treaties covered the land up to Fort Ellice. Beyond this location and Lake Qu'Appelle the country divided naturally into two districts in which the Indian population was not numerous. Furthermore, the land area involved was adequate to satisfy all immediate needs for settlement. In concluding his request, Morris asserted that, as at the previous Treaty negotiations, a small military force should be present. In addition, the Commissioner would have to be prepared "...to go beyond (this) District.., and simply see the large tribes-assure them of the Queen's care for them and give them some presents."[47]

The Dominion Government did make a few tentative plans to fulfill Morris' request, but on August 5, 1873, Minister of the Interior Campbell informed Morris that to the best of the Government's knowledge there was no firm, previous commitment for a Treaty. The Cabinet was unanimous "against going on with the treaties for extinguishing the Indian title to lands west of Manitoba." Campbell agreed that he could comprehend why the Indians were anxious for their future and disposed towards trouble, if their food supply was diminishing. Nevertheless, the Government's course was set for the year. Even if sufficient sentiment existed to initiate a change in policy "the season was too short to send out presents and money...and /there was no/ vote of Parliament to /cover the expenditure/." This echoed Howe's opinion when in 1872 he had balked at the expense of additional treaties before the expenditures of the first two Treaties were sanctioned,[48] and before there was an increase in settlement of the land. Now, although Campbell himself felt "it would be easier to deal with the Indians now than hereafter, and...would be the means of preserving peace amongst them," the Prime Minister and his colleagues believed that "there was no use making a treaty so long in advance of our acquiring the land."[49]

As a compromise, the Dominion Government followed Morris' suggestion that a Commissioner be sent to visit the native inhabitants to the west. Maintaining that it would be premature to promise a treaty with the Cree and Blackfoot even for the next year, Ottawa instructed this Commissioner to limit his communication to the Indians:

> to expressions of good will and assurances that their lands will not be taken from them without treaties being made to their satisfaction and that they will not be molested in the occupation of them and to make them presents and to ensure them they will be visited next year and presents again made to them.[50]

As a policy of appeasement, the Government's alternate proposal indicated a definite awareness of the central issue, the land - its ownership and future use.

Lieutenant-Governor Morris' request for treaty negotiations during the summer of 1873 was closely related to events of the preceding winter which had given the "Indian unrest" in the North-West an international perspective. In the fall of 1872, a band of American Sioux under Chief Little Knife had approached Commissioner Simpson to inquire into the nature and purpose of the International Boundary Commission. Simpson's reply was less than courteous, causing the Sioux to return to American soil vowing vengeance for the insult. Subsequently, a rumour had spread from the west to Fort Garry, that Chief Little Knife planned raids in the Province and near Fort Ellice for the early spring. Accordingly, Morris wrote Howe that "there is a movement of some kind among the Indian tribes in the North-West Territories and the American States...created in part by the Boundary Commission." The Band of American Sioux were "from the Blackhills, west of the Missouri, and .../numbered/ two thousand warriors." In addition, the Red Lake Indians on the American side had sent tobacco to the refugee Sioux within Canadian territory. The Indians were considering united action against the Boundary Commission which they regarded as a joint Canadian-American threat.[51] In turn, reacting to what he perceived to be a potential Indian war, Morris wrote to Prime Minister Macdonald on January 17, 1873:

> The most important matter of the future is the preservation of order in the North West and little as Canada may like it she has to stable her elephant. In short the Dominion will have to maintain both a military and a police force in years to come. I do not think that you should diminish the military force below its present strength and the police should also be under military discipline and if possible be red coated - as 50 men in red coats are better here than 100 in other colours. You should get a statement of the American troops employed in the frontier, it /sic/ is very large - the presence of a force will prevent the possibility of such a frightful disaster as befell Minnesota and which without it may be provoked at any moment.[52]

Two months later, the Lieutenant-Governor reported that correspondence from both Donald A. Smith and Archibald

McDonald, Chief Trader of the Hudson's Bay Company post at Fort Ellice, contained further warnings of possible raids by Chief Little Knife and also stated that the Company continued at Fort Ellice virtually at the suferance of the local Indians.[53] Morris asked Ottawa for permission to send a Commissioner to the Canadian Sioux to make inquiries about the rumours and to placate the Assiniboine and Cree who frequented Fort Ellice with the promise of a treaty. The Dominion Government accepted Morris' argument and appointed Pascal Breland as Commissioner to communicate to the Indians that a representative of the Queen would visit them the following summer "to declare" to all the Indians the "Queen's mind." No treaty negotiation however was to be guaranteed.

Breland reported that upon reaching a gathering of Canadian and American Sioux on Canadian soil near Portage la Prairie, "The Sioux received this message of peace with transports of joy and gratitude."[54] They were as concerned as was Morris with the extension of Indian-White conflict from south of the border and desired "peace with everyone,... especially the English."[55] On the basis of this report Prime Minister Macdonald clarified for Morris "the last cloud of apprehension as to a Sioux attack seems to be removed."[56] For Macdonald this meant that the Dominion Government's obligation to treat with the Indian peoples was obviated. Further, the necessity of sending a mounted force to the west was circumvented; Macdonald asserted that any settlers in the area were there in advance of the main thrust of settlement and would have to make provision for their own protection.[57]

This attitude comprised the priorities which directed the Dominion Government's recognition of the native inhabitants beyond the new Province of Manitoba. The Sioux proposal of peace "especially with the English" was equated with Ottawa's foremost concern, the avoidance of an Indian war which would impede future orderly expansion. Until the North-West was settled, official recognition of the Indian peoples would require no more than the placating of their interests. In accordance with this perspective the Prime Minister maintained that the mounted police force was designed primarily for "moving rapidly across the plains to protect settlers from the chance of an Indian war.../and therefore/ would be under military discipline, but would act as a constabulary."[58] Just as with treaty negotiations, the exact timing for implementing this peace-keeping corps remained closely tied to the actual advance of settlement. Answering a question raised by the Colonial Secretary's office in March, 1873, the Dominion Government confirmed this priority, restating that the force would "keep the peace in all the accessible portions of the new Territories into which settlers are likely for many years to penetrate...."[59]

On May 23, 1873, however, the Government passed an enabling bill which delegated the necessary authority to organize the force by Order-in-Council at the appropriate moment. The criteria governing this decision would remain that of frontier settlement and national expansion. In fact, within the Prime Minister's framework, the implementation of a mounted police force was also inextricably joined to the proposed transcontinental Canadian Pacific Railway which was considered the cornerstone to settlement growth. Indeed, as a preliminary to this railway development, in the late summer of 1872 Prime Minister Macdonald had sent Colonel Robertson-Ross, the adjutant general of the Canadian militia, to observe conditions in the North-West Territories. Ross's final report was directly instrumental only in so far as it helped to secure Parliament's sanction of the mounted police bill. Of equal importance, his assessment of Indian-White relations expressed the current interpretation of "Indian unrest" and typified the attitude which would prevail in the future.

Echoing Butler's observations, Ross identified the real "Indian Question" as being the inter-tribal warfare of the Blackfoot and Cree peoples. He asserted that these Peoples were two of the "strongest tribes of Prairie Indians," each possibly having one thousand fighting men.[60] Thinking of the imminent need to protect the surveyors, contractors, and railway labourers who would undertake the work of constructing the Dominion Pacific Railway, he saw the present state of unrest as an impediment:

> Indeed, the white men dwelling in the Saskatchewan are at this moment living by sufferance, as it were, entirely at the mercy of the Indians. They dare not venture to introduce cattle or stock into the country, or cultivate the ground to any extent for fear of Indian spoilation.[61]

Without considering the basic cause for the potential conflict, Ross argued that "the only thing the Indians really respect, and will bow to, is actual power."[62] Unlike Butler, Ross saw no need for any cooperative interaction between the Dominion representatives and the Indian peoples. Instead, the situation required a regiment of 550 mounted rifelmen judiciously posted in companies of fifty throughout the country.[63] By strict supervision of Indian-White relations, this mounted force would impose law and order in the Saskatchewan territory. As part of the groundwork for the proposed railway, Ross's report reiterated the general comprehension of Indian-White relations which increasingly maintained that the Indian peoples were the aggressor and had to be contained. This perspective did not require a reconsideration of the native inhabitants' sentiments and, therefore, did not stir Ottawa to further treaty negotiations.

(iv)

Throughout the summer of 1873, Lieutenant-Governor Morris's correspondence with Dominion officials expressed the tension between Indian-White relations in the Territories and the Government's priorities. Whereas, in the previous January he had felt that fifty red-coated troops would adequately meet peace-keeping requirements, by June the Lieutenant-Governor wrote Macdonald:

> I must frankly say that your views of the urgency of the position here are erroneous, and that 150 or 200 Mounted Police will not suffice for the maintenance of order here and in the vast plains.[64]

Later, in mid-August, Morris again expressed the view that "the Dominion might secure the preservation of peace by maintaining, in addition to the proposed police force, a military force of 500 men in the northwest."[65]

Reports of the Cypress Hills Massacre which had taken place in the spring of 1873 only exacerbated the Lieutenant-Governor's frustration over Ottawa's decision not to treat that summer with the Indian peoples west of Manitoba. On August 25, 1873, Morris wrote to Alexander Campbell, Minister of the Interior:

> If the American borderers put the Indians to death in the summary manner described...the Dominion Government will soon find itself involved in Indian difficulties of the gravest character.[66]

Earlier, the Lieutenant-Governor had stressed that the presence of American whiskey traders, who had established a number of forts within the south-western corner of the Territories, was increasing inter-tribal turbulence. If no treaties were to be negotiated, Morris had concluded: "Trouble will come and then where will a couple of hundred police be facing 5 or 10,000 Blackfeet warriors?"[67] Campbell's reply had held to the Dominion Government's insistence on equating Indian policy with the imperatives of settlement: "after a full consideration of all the facts /the Government had/ come to the conclusion that the state of affairs in the North-West /was/ not of so grave a character as to warrant them in incurring so heavy an expense as the measure you suggest would involve."[68]

Nevertheless, in late August Morris continued to press for the immediate provision of a quasi-military force. By coincidence, on August 30, 1873, in his capacity as Minister of Justice, the Prime Minister had had the mounted police force officially constituted by Order-in-Council. Consequently, as the result of several additional urgent requests from Morris, Macdonald deemed it politically expedient to break with policy and send the Mounted Police through to Lower Fort Garry:

> Morris is getting very uneasy about matters in the North-West. The massacre of the Indians by the Americans has greatly excited the red men there. He is so pressing about the necessity of having the Mounted Police there, that although we intended to concentrate them at Toronto and Kingston for the winter and give them a thorough drilling before going West, we find it necessary that the Force should be sent up before the close of navigation. It would not be well for us to take responsibility of slighting Morris's repeated and urgent entreaties. If anything went wrong the blame would be at our door.[89]

This decision merely vindicated Lieutenant-Governor Morris. The Prime Minister's expedience involved no reassessment of the existing Indian policy. Instead, Macdonald's authorization of the North-West Mounted Police more accurately represented the Dominion Government's persistence in adhering to its initial conception of westward expansion, allowing only slight modification.

This attitude made Morris's report for July, 1873, both a summation and a foreshadowing of Indian-White relations. Morris had focussed the discrepancy between the grand scheme of national expansion and the reality of the Dominion

Government's almost indifferent programme for signing treaties with the native peoples. He reiterated that:

> the prospect of the construction of the Pacific Railway, bringing with its progress a large number of labourers, makes it important that Treaties should be made with the Native Tribes, to prevent the consequences which would arise from a hostile attitude on their part.[70]

To substantiate his argument, Morris informed Ottawa that the number of Indians west of Fort Ellice, the point to which treaties had been signed, was formidable, reportedly up to 14,000 with a potential of 5000 well-armed warriors. This, with the added likelihood that the American Sioux might cross the border into Canadian territory, meant that the Dominion Government, at the least, was increasingly obliged to provide protection for the settler's life and property. Furthermore, Morris indicated that "...already the Indian Tribes have formed a very low estimate of the Military power of Canada, and believe that about 3000 warriors could drive the Canadians from the country."[71]

Having clearly articulated the prevailing comprehension of "Indian unrest," the Lieutenant-Governor also looked to the immediate future. The threat of the buffalo becoming extinct in five or six years would cause the situation to deteriorate further. Circumstances, therefore, demanded that steps be taken to place "the warlike Blackfeet, Crees, and other tribes" on reserves of land and to initiate promptly a civilization programme such as had existed in Eastern Canada; policy must enable self-sufficiency amongst the Plains Indian population. Accordingly, Morris suggested that the reserves be located where fishing was convenient, roots could be grown and possibly cattle raised. To-date, Ottawa's adherence to the imperatives of frontier settlement had all but presupposed an Indian war. The growing certainty of widespread economic deprivation for the Indian peoples of the North-West meant that if further frontier settlement was to be possible, the Government's policy towards the native inhabitants would not only have to be more substantial than sporadic appeasement, but also would have to precede settlement.

In setting down the results of the Dominion Government's response to Indian-White relations from 1870-1874, Lieutenant-Governor Morris delineated the transition. Official response to the native inhabitants of the North-West Territories had followed a preconceived pattern for Indian-White interaction which had emerged from the Eastern Canadian experience. By the end of the four years, this limited British-Canadian comprehension of the Government's responsibilities towards the native peoples had created an ambiguous situation summarized as "Indian unrest." This interpretation indicated the Government's central concern, peaceful expansion of the settlement frontier. Thus, Treaties One and Two served to appease and to legally extinguish Indian title to the land encompassed by the new Province of Manitoba. Similarly, the expedient provision of the North-West Mounted Police was an adaptation to frontier Indian-White interaction which did not displace the priorities of national growth.

FOOTNOTES:

[1] Public Archives of Canada, Macdonald Papers, Macdonald to Archibald, October 27, 1869, as cited in John L. Taylor, "The Development of an Indian Policy for the Canadian North West 1869 - 1879" (unpublished PhD. thesis in History for Queen's University, 1975), p. 27.

[2] Canada. *Sessional Papers*, Volume V, Number 12, Report of the Indian Branch of the Department of the Secretary of State for the Provinces, 1870, p. 28.

[3] *Ibid*.

[4] Canada. *Sessional Papers*, Volume V, Number 22, Report of the Indian Branch of the Department of the Secretary of State for the Provinces, 1872, p. 3.

[5] Stanley, George F. G., *The Birth of Western Canada*, (Toronto: University of Toronto Press, 1960), p. 204.

[6] Canada. *Sessional Papers*, Volume V, Number 22, Report of the Indian Branch of the Department of the Secretary of State for the Provinces, 1872, p. 9, the Commissioners, Ft. Francis, to Howe, 11th July, 1871. For further details see J. L. Taylor, "Development of an Indian Policy," pp. 51-52.

[7] PAC, RG 10 Bl, Vol. 448, Howe to Simpson, May 6, 1871, as cited in J. L. Taylor, "Development of an Indian Policy," pp. 48-49.

[8] *Ibid*.

[9] J. L. Taylor, "Development of an Indian Policy," pp. 51-52.

[10] Canada. *Sessional Papers*, Volume V, Number 22, Report of the Indian Branch of the Department of the Secretary of State for the Provinces, 1872, p. 13.

[11] *Ibid.*, memorandum enclosed with Archibald to Howe, July 29, 1871, p. 17.

FOOTNOTES continued:

[12] See Chapter II, this thesis.

[13] Canada. *Sessional Papers*, Volume V, Number 22, Report of the Indian Branch of the Department of the Secretary of State for the Provinces, 1872, pp. 17-24, 27-32. For further details concerning the subsequent dissatisfaction on the part of the Saulteaux and Cree for the exclusion of the "outside promises" from the Treaty see J. L. Taylor, Chapter V.

[14] Canada. *Sessional Papers*, Volume V, Number 22, Report of the Indian Branch of the Department of the Secretary of State for the Provinces, 1872, pp. 12-13, Archibald to Howe, July 22, 1871.

[15] Canada. *Sessional Papers*, Volume V, Number 22, Report of the Indian Branch of the Department of the Secretary of State for the Provinces, 1872, Christie to Archibald, April 13, 1871, pp. 32-33.

[16] See Canada. *Sessional Papers*, Volume V, Number 22, 1872, pp. 32-33.

[17] PAC, Macdonald Papers, Vol. 518/929-930, Macdonald to Cartier, June 16, 1871.

[18] *Ibid.*, Vol. 518/594-595, Macdonald to Hincks, April 14, 1871.

[19] For a full discussion of the changing nature of the relationship between the Hudson's Bay Company and the Indian peoples of the North-West Territories, particularly the Cree, see Arthur J. Ray, *Indians in the Fur Trade: Their Role as Trappers, Hunters and Riflemen in the Lands southwest of Hudson Bay, 1660-1870*. Toronto: University of Toronto Press, 1974.

[20] PAC, Macdonald Papers, Vol. 187/77976, Archibald to Macdonald, October 7, 1871.

FOOTNOTES continued:

[21] Canada. Sessional Papers, Volume IV, Number 20, Instructions to the Honourable A. Archibald, 1871, p. 8.

[22] General Sir W. F. Butler, K.C.B., F.R.G.S., The Great Lone Land (London: Sampson Low, Marston and Company, 1872), Appendix, p. 354.

[23] Ibid., pp. 358-359.

[24] Ibid., p. 375.

[25] Ibid., p. 366.

[26] Ibid., p. 367.

[27] Ibid., p. 367-368.

[28] Ibid., p. 359.

[29] Ibid., p. 359.

[30] Ibid., p. 360.

[31] Ibid., p. 372.

[32] Ibid.

[33] Ibid., p. 361.

[34] Ibid., p. 379.

[35] Ibid.

[36] Ibid., p. 381.

FOOTNOTES continued:

[37] Ibid., p. 382.

[38] Ibid.

[39] PAC, Macdonald Papers, Vol. 517/542, Macdonald to Archibald, November 18, 1870.

[40] Canada. Sessional Papers, Volume V, Number 22, Report of the Indian Branch of the Department of the Secretary of State for the Provinces, 1872, p. 8, Howe to W. M. Simpson, May 5, 1871.

[41] PAC, RG 10 B2, Vol. 723, memorandum signed by Howe, dated January 20, 1872, as cited in J. L. Taylor, "Development of an Indian Policy," p. 70.

[42] See this chapter, footnote 20.

[43] Ibid.

[44] Manitoban, August 3, 1872, p. 3.

[45] PAC, RG 10 B2, Vol. 724, Note of October 16, 1872, signed by Spragge in reference to a letter from Simpson of September 27th, as cited in Taylor, "Development of an Indian Policy," p. 97.

[46] Canada. Sessional Papers, Volume VI, Number 23, Annual Report on Indian Affairs, 1873, p. 13, Morris to Howe, December 13, 1872.

[47] PAC, Macdonald Papers, Vol. 252/114142-46, Morris to Macdonald, June 26, 1873.

[48] PAM, Archibald Papers, Howe to Archibald, January 30, 1872, as cited in Taylor, "Development of an Indian Policy," p. 70.

FOOTNOTES continued:

[49] PAM, Morris Papers, Ketcheson Collection, Campbell to Morris, August 6, 1873.

[50] *Ibid*., Campbell to Morris, August 14, 1873.

[51] Canada. *Sessional Papers*, Volume VI, Number 23, Annual Report on Indian Affairs, 1873, Morris to Howe, December 13, 1872, p. 13.

[52] PAC, Macdonald Papers, Vol. 252/113998-114001, Morris to Macdonald, January 16, 1873.

[53] Canada. *Sessional Papers*, Volume VI, Number 23, Annual Report on Indian Affairs, 1873, p. 16, D. A. Smith to Morris, March 6, 1873.

[54] PAM, Morris Papers, Ketcheson Collection, James McKeangney to Macdonald, May 1, 1873.

[55] PAC, Morris Papers, Dispatch 32N, cited in J. L. Taylor, "Development of an Indian Policy," p. 102.

[56] PAC, Macdonald Papers, Vol. 523/157, Macdonald to Morris, May 19, 1873.

[57] For further detail see J. L. Taylor, "Development of an Indian Policy," pp. 102-103, and S. W. Horrall, "Sir John A. Macdonald and the Mounted Police Force for the North West Territories," *CHR*, Volume 53, 1872, pp. 179-200.

[58] Colonial Office Papers, co 42-716, 28 March 1873, as cited in Horrall, "Sir John A. Macdonald", *CHR*, Volume 53, 1972, p. 188.

[59] *Ibid*.

[60] Canada. *Sessional Papers*, Volume V, Number 9, Annual Report of the State of the Militia for 1872, pp. CXXIV.

[61] *Ibid*., p. CXXII.

FOOTNOTES continued:

[62] *Ibid*., p. CXXV.

[63] *Ibid*., p. CXXIV.

[64] PAC, Macdonald Papers, Vol. 252/114133-114137, Morris to Macdonald, June 2, 1873.

[65] PAM, Morris Papers, Ketcheson Collection, Morris to Campbell, August 25, 1873.

[66] PAC, Macdonald Papers, Vol. 252/114133-114137, Morris to Macdonald, June 2, 1873.

[67] PAM, Morris Papers, Ketcheson Collection, Morris to Campbell, August 26, 1873.

[68] PAM, Morris Papers, Ketcheson Collection, Morris to Minister of the Interior, July, 1873.

[69] Macdonald Papers, Volume 523, Macdonald to Dufferin, 24 September 1873, as cited in Horrall, "Sir John A. Macdonald," *CHR*, Volume 53, 1972, p. 195.

[70] PAM, Morris Papers, Ketcheson Collection, Morris to Minister of the Interior, July, 1873.

[71] *Ibid*.

CHAPTER IV

The Interlude: The North-West Mounted Police and the Blackfoot Peoples, 1874-1877

For the Blackfoot peoples, the expedient creation of the North-West Mounted Police in the late fall of 1873 was a first step in official Dominion-Blackfoot relations. From the Dominion Government's perspective the primary purpose of the Force was to conciliate the native inhabitants and contain potential Indian-White conflict through enforcing law and order. In this manner the Mounted Police would provide a peaceful interlude until the Government's own priorities or the expanding settlement frontier necessitated formal treaties. During the winter of 1873-74 news of further "Indian unrest" following the Cypress Hills' Massacre reconfirmed this rationale and caused the N.W.M.P. expeditionary Force to proceed towards the Blackfoot territory.

Initially, the Blackfoot peoples responded to the arrival of the N.W.M.P. on a basis of cooperative coexistence. The imposition of law and order was mutually beneficial; the demoralizing whiskey traffic ended while the Dominion peacefully asserted her sovereignty. Yet British-Canadian justice also heightened inter-tribal hostilities which were already exacerbated by the diminishing supply of buffalo. Increasingly after the winter of 1874-1875 N.W.M.P. and Blackfoot coexistence was undermined. Despite these tensions, however, Treaty Number Seven was concluded in the fall of 1877.

(i)

Throughout the winter of 1873-74, Lieutenant-Governor Alexander Morris continued his campaign to persuade the Dominion Government to re-adjust its over-all plan for national expansion. His urgent entreaties had resulted in the arrival of the North-West Mounted Police at Lower Fort Garry prior to the original schedule for the spring of 1874. Now, Morris pressed the Government to proceed with signing treaties with Indian peoples at Fort Ellice and further west, and to authorize the Mounted Police to proceed from Lower Fort Garry into the Territories. From the Lieutenant-Governor's perspective, recurring reports of "Indian unrest" made both of these actions essential before the actual advance of settlement would be possible. As Morris pointed out to the new Prime Minister, Alexander Mackenzie:

> We have now a Police Force, which I hope to see increased, and, with this, and the small Battalion now here /Fort Garry/ it may be possible to maintain order, though I do not believe the Privy Council have yet fully recognized the magnitude of the task that lies before them, in the creation of the institution of civilization in the North West, in the suppression of crime there, and in the maintenance of peaceful relations with the fierce tribes of the vast prairies beyond Manitoba.[1]

The Prime Minister's reply epitomized Ottawa's superficial comprehension of both the nature of pre-existing Indian-White relations in the North-West and the subsequent impact of the Dominion Government's perpetual indecision regarding treaty negotiations. Mackenzie informed Morris: "We have on several occasions discussed the Indian question. I never doubted that our true policy was to make friends of them even at a considerable cost, as anything is cheaper than an Indian War."[2] Echoing Prime Minister Macdonald's attitude, Mackenzie recognized the value of expedient appeasement. Similarly, his government did not authorize that any immediate action be taken.

Morris's anxiety stemmed from additional correspondence he had received describing the state of inter-tribal and Indian-White relations in the western and south-western regions of the Territories. On August 24, 1873, Edward McKay had reported to the Lieutenant-Governor that as a result of the Cypress Hills Massacre, the Crees, Assiniboines and Saulteaux who lived along the south side of the Saskatchewan River, were maintaining their traditional, defensive alliance.[3] Of equal importance, McKay stressed that these Indians regarded him as their agent and were expecting him "to carry an answer to them about the treaty.... They [were] anxious to know whether the Government intended to take away this land without paying them for it, as they fear."[4] Subsequently, in mid-October, 1873, a message from an Indian trader named "Kitchewassis" [sic] notified Morris that war had broken out between the Crees and the Blackfoot peoples.[5]

For the Lieutenant-Governor this continuation of traditional inter-tribal warfare had wider significance. As a part of his December 4, 1873, communication to Prime Minister

Mackenzie, Morris relayed "positive information,"

> that there are no less than six forts of United States traders (any one of which is as large as the H. B. Coy's posts at Carlton or Pitt) fully armed and equipped, in our territory, and the question we have to solve is, how to deal with the matter, and avoid an Indian War, which may at any moment, burst out, and involve the Dominion in enormous expense, and expose the people of the Territories and this Province, to the fearful atrocities which overwhelmed Minnesota a few years ago.[6]

Later, in February, reports that Americans at Bow River had once again made a number of Assiniboine drunk and had killed 55 of them,[7] added to the Lieutenant-Governor's alarm. When, by April 25, 1874, Prime Minister Mackenzie had not yet taken any direct action to send the N.W.M.P. further west, Morris emphatically wrote that "the lowest estimate of the number of men who could be safely sent on an expeditionary force, has uniformly been 500 men."[8] In his opinion, that number would be needed to restore order and to control the "numerous and well-armed Indians." The Lieutenant-Governor also suggested that a "messenger should go in advance of the Boundary Commission and the Police Force to explain their objects."[9]

The Dominion Government's eventual response to Morris's analysis of Indian-White relations was clearly summarized by the Governor-General, Lord Dufferin. Focussing on British-Canada's priorities, the Governor-General encouraged the Prime Minister to authorize a mounted expeditionary force specifically aimed at suppressing the illicit whiskey trade established by the American forts. Implicitly, Dufferin articulated Ottawa's view of Canada's relationship to the Indian peoples of the North-West:

> Even though the expense might be considerable, an expedition organized by Canada itself would have its advantages. In the first place the mere fact of putting forth her strength for the purpose of asserting her jurisdiction and repressing outrage in those wild districts, would flatter in a very legitimate manner the national pride of the Dominion.... In the next place we should appear upon the scene, not as the Americans have done, for the purpose of restraining and controlling the Indian tribes, but with the view of avenging injuries inflicted on the red man by the white.[10]

In addition to enhancing the Dominion's diplomatic prestige, the presence of the N.W.M.P. would appear to accommodate the Indian peoples' interests.

Following this rationale, on May 20, 1874, Minister of Justice A. A. Dorion carried out Morris's request that a messenger be sent in advance of the N.W.M.P. In order to appease the native inhabitants, Dorion advised that the Hudson's Bay Company Chief Factors at Fort Ellice and Edmonton be asked to open communication "of a friendly nature...with the Blackfoot and other tribes...by means of personal interviews" and the distribution of presents.[11] Dorion then addressed the immediate issues enumerated in Lieutenant-Governor Morris's correspondence. Primarily, the Indian peoples were to understand that the object of sending the N.W.M.P. was the preservation of British-Canadian law and order in the North-West Territories. The Force would prevent "lawless American Traders" from interfering "with the ordinary usages and pursuits of the Indians," and would suppress the traffic in "intoxicating liquor." As representatives of Canada's sovereignty, the Mounted Police would maintain the principles of justice which were consistent with the values and priorities of the settlement frontier. For this reason, the Chief Factors of the Company were asked to use their knowledge of the native inhabitants "to secure their goodwill and sympathy" for the Force and to convince them of the Queen's intent to promote "harmony and happiness among Her people in the North-West."[12]

More specifically, with regard to official Indian-White interaction, Dorion instructed the Hudson's Bay Company's representatives to make it clear "that the co-operation of the Indians is not in any way desired or sought in any action which the Mounted Police may find it necessary to take."[13] The N.W.M.P. were a separate, distinct authority and the native peoples were not to consider themselves to be allies. Similarly, the presents to be distributed to the Indian peoples were meant to conciliate and were not intended as an expression of political or social equality. This conception of Indian-White relations was strongly reminiscent of the position of wardship assigned to the native inhabitants of Eastern Canada. Further, the Dominion Government had not re-assessed its decision during the summer of 1873 not to proceed with further treatying. Neither the Hudsons's Bay Company advance messenger nor the Mounted Police were authorized to promise treaty negotiations.[14] Instead, the N.W.M.P., by enforcing law and order, were to reinstate "the moral influence exercised by the Hudson's Bay /sic/ over the Indians."[15] From Ottawa's perspective, therefore, the N.W.M.P. would carry forward the law and order considered a part of frontier settlement and necessary for containing Indian-White conflict.

On the basis of this limited comprehension, the Mounted Police were to quell the "Indian unrest" and establish, in practice, Canada's sovereign interests in the North-West Territories. Yet two years earlier, reports sent in by Lieutenant W. F. Butler and Colonel Robertson-Ross had already informed the Dominion officials that the "Indian Question" rested with the Blackfoot peoples and the Plains Cree. These peoples would not accept White encorachers who did not recognize and accommodate themselves to the values and priorities of the Blackfoot or Plains Cree societies.[16] More particularly, as a part of his observations, Ross had inadvertently recorded the Blackfoot peoples' specific terms. First, commenting on the illicit whiskey traffic, Ross had noted that "for the peace of the country and welfare of the Indians...a Custom House /built/ on the Belly River near the Porcupine Hills, with a military guard of about 150 soldiers" was highly advisable. Furthermore, this post would also aid in "stopping the horse stealing expeditions carried on by hostile Indians from south of the line into Dominion Territory...." Summarizing both of these factors from the Blackfoot peoples' perspective, Ross had concluded:

> Indeed it may now be said with truth, that to put a stop to horse-stealing and the sale of spirits to Indians, is to put a stop altogether to Indian wars in the North West. The importance of the Porcupine Hill in a strategical point of view is very great, commanding as it does the entrance of both the Kootenay Passes towards the West, and the route from Benton into the Saskatchewan territory on the south and east; the country can be seen from it for immense distances all round. Although hostile to citizens of the United States it is believed that the Blackfeet Indians would gladly welcome any Dominion Military Force sent to protect them from the incursions of other tribes, and to stop the horse-stealing which has for so long been carried on. With excellent judgment they have pointed out the southern end of the Porcupine Hill as the proper place for a Military Post.[17]

Ross's report articulated the Blackfoot peoples' comprehension of the "Indian unrest" and presented their solution which was mutually beneficial to themselves and to the Dominion. Rather than confronting British-Canada with its failure to officially recognize their own sovereign interests, the Blackfoot peoples chose to counteract any causes for direct reprisal, and to maintain and consolidate their own position. From this standpoint the N.W.M.P., with their policy of appeasement through the imposition of law and order, would superficially meet the Blackfoot terms for cooperative coexistence.

(ii)

Carrying forward British-Canada's principles of justice and Indian policy, the N.W.M.P. expeditionary Force under their first Commissioner, Colonel G. A. French, finally departed from Dufferin, Manitoba, on July 8, 1874. French was ordered "to move by way of Fort Ellice towards the Belly and Bow Rivers."[18] To enforce law and order, the Force's first objective was to chastise the American whiskey traders. At the same time, to appease the native inhabitants, the Mounted Police were to set forth the Dominion's "goodwill and assurances that [Blackfoot] lands will not be taken from them without treaties being made to their satisfaction...."[19]

On August 13, 1874, Commissioner French recorded the first contact with the native population:

> A Sioux Indian came into camp this morning.... They [the Sioux] want to know why we are coming this way, and grunted out their satisfaction when I told them that the White Mother had heard that the American outlaws had killed some of her red children, and that she sent me, with these braves, to capture the men who did it. I impressed upon them the fact that we did not want their land....[20]

Three weeks later, on September 4, French met up with the Sioux a second time:

> Seven Sioux came into camp this evening. It appears they were with some half-breeds when our advanced guard passed, and seeing no carts they put us down as Blackfoot. After passing they crept up a ravine till they crossed our trail, they caught up with the rear guard about 2 p.m., and as a precautionary measure loaded their guns. Our people seeing this extended in skirmishing order, but a Sioux who could speak French came forward unarmed and explained matters. We gave them some tea, buffalo meat, biscuits, and ammunition, which apparently much pleased them. A few small presents go a long way in showing the Indians that we come as friends....[21]

In neither instance did the Commissioner show any understanding of the traditional inter-tribal relations or the contemporary forces at work among the Indian population. Whether or not the Sioux actually mistook the

Police for Blackfoot, French did not acknowledge that the N.W.M.P. were considered interlopers. In addition, the presence of the Sioux ought to have verified for the Commissioner the "Indian unrest" which Morris's informants had reported. Instead, adhering strictly to his instructions, French remained blind to Indian grievances. His report of the peaceful resolution of the confrontation merely provided its own answer to the Commissioner's limited knowledge. This answer seemed to support the validity of the Dominion Government's attitude and policy.

If Commissioner French failed to recognize the "Indian unrest" of Morris's correspondence, equally his first report upon reaching the vicinity of the Bow and Belly Rivers undermined the official reasons for sending the Force. French noted that when in the Cypress Hills he too had been told of "500 Americans working all summer at their forts at the fork of the Bow and Belly Rivers, making underground galleries and etc [sic]..."[22] In fact, however, when the Commissioner arrived on the Bow, he discovered that "the Forts" were log shanties in which trappers or traders passed the winter. These log huts were usually burnt down when the trappers left, "as was the case with the one in the Cypress Hills, where the Assiniboines were murdered in the spring of 1873."[23] Most of the traders came from Fort Benton, in Montana Territory, with "Whoop-Up" being the only fort having inhabitants as well as a name.

Commissioner French went on to clarify that reports from the region of the Bow and Belly Rivers were vague and riddled with errors because: "The Country beyond the Cypress Hills [was] not alone arid and sterile, but it [was] the war-path of the Blackfeet, Assiniboines, Crees, and Sioux. [Consequently], no half breeds [would] venture there except in large brigades."[24] In fact, Assistant Commissioner James F. Macleod, upon inquiry, had reported that only two such half-breeds were known to have travelled into the region. French himself had discovered that one of his guides was an imposter, while the other, who claimed a knowledge of the Blackfoot language, promptly became lost once beyond the Cypress Hills.[25]

As for the "savage and warlike" Blackfoot peoples, Commissioner French reported that the Force had not seen any of the member tribes. When the Commissioner proceeded to Fort Benton, Montana Territory, to purchase supplies he was given a partial explanation. A "Trader" informed him that the elusive Blackfoot had already announced the arrival of the Force, stating that "...white men were *as thick as ants on a hill at Bow River*."[26] Despite this failure to establish immediate contact, French on September 28, 1874, notified Ottawa:

> Force on way back - state of affairs on Bow
> and Belly Rivers has been greatly exaggerated.
> I leave a large force in that vicinity under
> Major Macleod. I hope to have the laws relating
> to liquor effectually enforced this winter.[27]

As the Commissioner's report implied, the N.W.M.P. would proceed to enforce the determined policy of maintaining law and order while appeasing the native inhabitants. Indeed, even though there was no thriving, garrisoned whiskey trade, nor a potential Indian war, Assistant Commissioner James F. Macleod persisted in seeing the situation in these British-Canadian terms.[28] As early as December 4, 1874, he noted:

> I am happy to be able to report the complete stoppage of the whisky trade throughout the whole of this section of the country, and that the drunken riots, which in former years were almost of a daily occurrence, are now entirely at an end; in fact a more peaceable community than this, with a very large number of Indians camped along the river, could not be found anywhere...People never lock their doors at night, and have no fear of anything being stolen, which is left lying about outside, whereas; just before our arrival gates and doors were all fastened at night, and nothing could be left out of sight.[29]

On December 15 the Assistant Commissioner commented further on the ease with which the N.W.M.P. had not only established the new order but had gained Blackfoot support. A number of traders had been circulating rumors to the effect that the Mounted Police would remain in the area only for the winter, leaving again in the spring. Recording his response to the Indians' inquiries, Macleod noted: "All /Indians/ that have come to see me invariably ask how long are we going to stay. Their delight is unbounded when I tell them that I expect to remain with them always."[30]

Assistant Commissioner Macleod's interpretation of these first encounters with the Blackfoot peoples assumed that the Indians' "unbounded delight" was directly attributable to the efficacy of law and order. Yet from the Blackfoot peoples' perspective, this peaceful situation was not just the first stage in containing "Indian unrest," or in implementing British-Canada's traditional approach towards Indian-White relations. Through imposing law and order, the N.W.M.P. not only ended the degrading liquor traffic, but established a basis for Indian-White interaction which did not conflict with Blackfoot self-determination. The mutual benefits allowed for the development of cooperative coexistence.

The Blackfoot leaders' concern not to compromise the interests of their people had caused them at first to give the Mounted Police a wide berth. Not until October 30, 1874, had Three Bulls approached the Police specifically to test their professed intentions. He reported to Macleod that a colored man by the name of William Bond had a trading post at Pine Coulee, located fifty miles away. Bond had traded "a couple gallons of Whisky" for two of Three Bulls' horses. With the assistance of Jerry Potts,[31] Blackfoot emissary and official interpreter and guide of the N.W.M.P., Assistant Commissioner Macleod had succeeded in arresting Bond, thereby proving the worth of the N.W.M.P. in the eyes of the Blackfoot. Two days after the arrest of Bond, Macleod had recorded that he had "now had interviews with chiefs of all three branches of the Blackfeet Tribe, viz, Bloods, Peigans, and Blackfeet."[32] The Blackfoot had informed him that they had heard that "[the N.W.M.P.] were their friends, but desired to be assured of this before they came to see me."[33]

During these first interviews, the Blackfoot leaders had also started to assert their policy for cooperative coexistence as the basis for Indian-White relations. From Assistant Commissioner Macleod's point of view, however, the interviews had followed an expected pattern. Relying upon Jerry Potts to bring "the chiefs and two or three of their chief warriors" to the meeting, Macleod had made the following notes:

> Upon being introduced they all shake hands and invariably express their delight at meeting me. They then sit down, and my interpreter [Potts] lights and hands the chief a pipe, which he smokes for a few seconds, and then passes to the others, and all remain silent to hear what I have got to say. I then explain to them what the Government has sent this Force into the country for, and endeavour to give them a general idea of the laws which will be enforced, telling them they need not fear being punished for doing what they do not know is wrong. I them tell them also that we have not come to take their land from them (an intimation they all receive with great pleasure), but that when the Government want to speak to them about this matter, their great men will know the intentions of the Government before anything is done.[34]

Similarly, the Assistant Commissioner had observed that the Indian chiefs for their part generally responded with a speech merely summing up the social and moral degradation which had resulted from the whisky traffic, the resulting economic loss in buffalo robes and horses, and concluding, "that this all [sic] now changed,... as one old chief expressed, suiting the action to his words, 'before you came the Indian crept along, now he is not afraid to walk erect.'"[35] Revealing his superficial understanding of the Blackfoot peoples' presentations, Macleod summarized these statements as auguring well for British-Canada's future expansion. He commented that "[the Blackfoot]...have all the name of being extremely hospitable to strangers, and from what I can learn have no objection to whitemen settling in their country."[36]

The Blackfoot peoples' ready acceptance of British-Canadian law and order, therefore, apparently offered no conflict with the Dominion Government's priorities for expansion. This circumstance allowed the Force to compliment itself. Indeed, Macleod concluded his report with the observation:

> The only difficulty that I apprehend at present is, the meeting of some of their war parties with each other. A war party consists of a dozen or so, bent upon a horse-stealing expedition. If I hear of any of these war parties, I shall endeavour to meet them, and warn them of the consequences before any collision between them.[37]

Although the Assistant Commissioner's decision was consistent with the policy to appease and to contain "Indian unrest," it ran directly counter to the Blackfoot peoples' concept of coexistence. To end the Indians' horse-stealing expeditions had far greater ramifications than simply securing peace. With the horse as a determinant of economic and social status, not only were these expeditions integral to the Plains Indian culture and way of life,[38] but the expeditions themselves set forth and maintained each Peoples' territorial rights. This was the reason why the country beyond the Cypress Hills had remained a common fighting ground for the Blackfoot, Cree, Assiniboine and Sioux. In maintaining appeasement through law and order, Macleod's limited knowledge of inter-tribal relations supported a policy which would only benefit the Blackfoot in so far as controlling lawless White encroachment.

The full impact of Assistant Commissioner Macleod's decision to "maintain the right" of British-Canadian law and order, and control inter-tribal hostilities was not felt by the Blackfoot during the first winter of 1874-75. Particularly noting the horse trade, Macleod himself wrote on December 15, 1874:

> I am happy to say that a large number of horses are now being imported. Immediately before our arrival, large bands of them were being continually sent the other way - proceeds of the whisky trade. Now a horse can't be got from an Indian, and they wish to buy more then the traders have to sell.[39]

The N.W.M.P. also benefited from this re-adjustment of trade.[40] Throughout the winter, Macleod had the majority of the Force's horses and cattle herded at Sun River, Montana Territory. The traditional wintering region of the Blood and Peigan, Sun River was also a central location for the inter-tribal horse trade. Under the guidance of Jerry Potts and under the command of Inspector Walsh, the Force's livestock was taken south by way of the Mountain Road.[41] In the following spring the herd was replenished with "Mexican and Spanish ponies" deemed to be "a terror for chasing whisky traders."[42]

Similarly, throughout the winter months, the N.W.M.P. and the Blackfoot peoples mingled socially. One of the few remaining records of the first months at Fort

Macleod, the diary of Assistant Surgeon R. B. Nevitt, reveals the extent to which the Mounted Police shared in some of the activities of the Indian Community. On February 9, 1875, Nevitt noted:

> Well, last night Col. Macleod, Capt. Jackson, Allen, Denny, and myself went for Conrad and took him over to the squaw dance. It was in a lodge; no light save that of the fire in the centre. The people all sat round the lodge on the sleeping bunks, the men on one side, the squaws and children on the other. The orchestra, consisting of three drums like tambourines without bells, kept up an incessant tomtom and the voices of the men and women kept time with the dancers and tom toms in a melancholic, monotonous chant. Every now and then a chap would become very much excited and start up in the circle dancing around the fire and dance in a most excited manner. Their dancing consists in a simple bending of the knees, keeping their feet close together and keeping time with the music. The dancer may vary his dance by numerous absurd and grotesque attitudes or movements and must keep continually singing....
>
> Now and again while the band was resting some buck would get up and make a speech, telling of the wonderful and doughty deeds he had done. The squaws would dance up to the one they wished to dance with them and pull him out from his seat. If they wished and were allowed they could kiss you, after which you were expected to give them a blanket. Denny, Jackson, and the Col. were each pulled out and made to dance. They felt too much respect for me so I was allowed to sit in dignified quietness.[43]

Five months later, however, in June, 1875, a letter from Assistant Surgeon Nevitt, published in the Winnipeg Daily Free Press, observed a significant change in the Fort Macleod community: "There are at present about twenty lodges of half-breeds encamped in the vicinity of the Fort [Macleod], who I believe intend settling there. They were however, too late to try farming this year and I suppose must content themselves with hunting for the present."[44]

Only nine months previously Colonel French had despaired over the half-breed guides' ignorance of the territory beyond the Cypress Hills. Continual warfare between the Cree, Assiniboine, Sioux and Blackfoot peoples had traditionally secured the Blackfoot country from such half-breed encroachment. Now, Assistant Commissioner Macleod's decision to end inter-tribal horse-stealing, and to maintain peace through law and order, had removed this important safeguard for the Blackfoot. Indeed, the arrival of the half-breed families marked the beginning of a major transition in the nature of inter-tribal and Indian-White relations within the Blackfoot peoples' homeland. The apparent peace and security promoted by British-Canadian law and order threatened Blackfoot initiative in determining inter-tribal alliances. This, in turn, would disturb the equilibrium of their current coexistence with the Mounted Police.

In May, 1875, the Manitoba Free Press published another letter which indicated that the new half-breed settlement near Fort Macleod was but the first in a wave of prospective settlers:

> The police are doing good work out North, and by another year will make the North territories one of the most desirable to live in north of the Missouri River. By the strictness with which they enforce the laws, property, life and everything else will be more secure under your government than ours [Montana Territory], which will cause an emigration to Fort Macleod and its vicinity. Several of our large stock dealers and farmers would move over now if they were assured that the police force would remain any length of time, for without them, they are afforded no protection out there.[45]

As a partial answer to this observation, during the fall of 1875 the N.W.M.P. permanently established Forts Calgary and Macleod, while the Hudson's Bay Company also moved its post into the valley of the Bow River, locating at the mouth of the Ghost River.[46] This Company post was the second attempt to establish trade in the heart of the Blackfoot peoples' country. Forty-three years earlier Piegan Post or Old Bow Fort had been built at the confluence of Old Fort Creek and Bow River. In 1834, the post had been forced to close because of Blackfoot hostility.[47] Now, with the apparent stability created by the presence of the N.W.M.P., John Shaw laid the foundation for the future cattle industry by bringing from the Columbia Lakes, 700 head of cattle for stock-raising purposes.[48]

These developments were directly contrary to the policy which Assistant Commissioner Macleod had espoused during the first interviews in the late fall of 1874. In addition to establishing a regime of law and order, Macleod had informed the Blackfoot peoples that their leaders would be told "the intentions of the Government before anything is done,"[49] and that the N.W.M.P. had "not come to take their land from them."[50] Yet the prevailing peace had justified the Mounted Police in building permanent posts without consulting the Blackfoot. Moreover, this action was further encouragement to White settlement. The Force's success in appeasing the native inhabitants through maintaining justice disregarded the Blackfoot peoples' perspective. In so doing, the N.W.M.P. confirmed the Dominion Government's priorities for expansion, but, with this same limited comprehension, they undermined the basis of their coexistence with the Blackfoot.

(iii)

Faced with these changing circumstances, the Blackfoot peoples persisted in asserting their own interests. This was apparent in their response to the arrival of Major-General Selby-Smith in the late summer of 1875. The Major-General had been authorized to conduct a tour of inspection across the Territories and into British Columbia.[51] Upon reaching the Bow River area, he recorded that he was met by "a band of about 200 Blackfeet, who received him cordially,";[52] among the chiefs present was Crowfoot, "considered paramount chief of the Blackfoot." According to the interview, as translated, at a Council meeting the Indians "expressed their great pleasure at meeting the General in their country, and promised to have a better road for him before he returned. They spoke in high terms of the Mounted Police, and the security and good order their presence had established through the country."[53] In relation to the Dominion Government the Blackfoot leaders' once again had defined their position of cooperative coexistence. The thrust of the Major-General's report expressed the Blackfoot peoples' recognition of the mutual benefits resulting from the N.W.M.P. and their ability to adapt to the process of British-Canadian expansion.

This open offer of cooperation with the Dominion Government, however, was but one facet of Blackfoot self-determination. At approximately the same time as this interview, the Wesleyan missionary at nearby Morleyville, John McDougall, recorded in his memoirs that the politically astute head chief of the Blackfoot, named

> Crowfoot....paid us a visit. He was full of questions regarding the future. I took time to explain to him the history of Canada's dealing with its Indian peoples thus far and assured him that I expected in due time treaties would be made and a settled condition created in this country wherein justice would be given to all concerned. The chief expressed himself as delighted with what I had told him and said that he was much pleased with the change that the coming of the Mounted Police had brought in all the West. He also told me that he would depend upon me to inform him of anything in the future that would be of interest to him and his people. He also assured me of his friendship and thanked me for our past experiences.[54]

Chief Crowfoot's caution was more than a safe-guarding of Blackfoot interests. His turning to McDougall, as an informant independent of the Mounted Police, exemplified the tension resulting from the ambivalent worth of British-Canadian law and order. Over the short term this protection afforded the Indian peoples an alternative to the social and moral degradation created by an illegal liquor trade. But, in the long term this protection was synonymous with White, and native, encroachment. Law enforcement, and its accompanying principle of equality before the law, carried with it social and cultural ramifications which greatly qualified the sovereignty of the Blackfoot peoples. In this regard, in 1875, the Reverend John McDougall noted two factors which specifically indicated the full impact of the N.W.M.P. regime on the native inhabitants. Referring to the permanent establishment of Fort Macleod, McDougall noted: "[The Indians] are quite indignant that another post was being placed, as they said, right in the path of the buffalo. This would entail hunger and possibly starvation to the Indians." Furthermore, McDougall continued, the Blackfoot peoples question the British-Canadian assumption of proprietorship: "What right had the white man at this time to establish centres without the government conferring first about it with the Indians?"[55] Both the threat to the already diminishing buffalo herds and the absence of treaty negotiations were as much a part of the "new order in the West" as the termination of the whiskey traffic.

Events throughout the summer and fall of 1876 crystallized this tension, pointing out the tenuous balance in the relationship between the Mounted Police Force and the Blackfoot peoples. A crucial factor was the Dominion Government's continuing attitude towards treaty negotiations. Still unwilling to break free of its own priorities regarding the settlement frontier, the Government pursued its policy of containing possible Indian-White conflict through the expedience of law and order. Ottawa officials presumed that this approach would be sufficient to appease the interests of the native inhabitants.

Lieutenant-Governor Alexander Morris's correspondence concerning the preliminary arrangements for the signing of Treaty Six with the Cree indicated the current state of affairs in Blackfoot territory. Morris enclosed in his despatch to the Secretary of State for July 11, 1876, "a copy of a letter...received from the Chiefs of the Blackfeet Indians, with regard to a Treaty, from which, it is evident, that negotiations cannot much longer be delayed."[56] The Indian intermediary Kassowaysis /sic/ had also brought a message from the Blackfoot saying "that they desired a Treaty, and thanked me for keeping out the Fire Water, and sending the Police Force."[57] Recognizing the significance of these messages, the Lieutenant-Governor held that, although there was insufficient time to prepare properly for treaty negotiations with the Blackfoot in the current year, nevertheless authorization "to send Messengers to them to fit a period next year for the making of a Treaty /was/ ...essential, as the Treaty with the Crees who now hunt on their grounds /made/ it necessary, if there were no other considerations suggesting it."[58] Morris's request summarized the influence of British-Canadian law and order on current Blackfoot-Dominion relations.

Ottawa's initial response to the Lieutenant-Governor's telegram rigidly followed their previous policy towards signing treaties west of the immediate areas of settlement in Manitoba. On July 25, 1876, Secretary of State R. W. Scott notified Morris: "Treaty with Blackfeet under consideration. Government indisposed to make any promises."[59]

The next day Lieutenant-Governor Morris wired Ottawa that the treaty Commissioners already present at Fort Pitt were anticiapting the arrival of "two Blackfeet, who spoke Cree." He requested "authority to give assurances if they /the Commissioners/ deem necessary that Blackfeet will be treated with next year."[60] Three days later Morris re-emphasized: "Commissioners request authority to promise Treaty to Blackfeet you cannot avoid this accept my advice and appreciation of position...."[61] Reacting to this pressure, Prime Minister Mackenzie finally replied: "may if really necessary notify Blackfeet we will treaty with them next year, but we desire to save years /sic/ expenses."[62]

Lieutenant-Governor Morris's requests echoed his initial entreaties to have the N.W.M.P. sent west. Similarly, Mackenzie's reply confirmed a policy of appeasement and under lined the Government's hesitancy for further commitment. Indeed, the over-riding economic consideration restated Ottawa's persistence in viewing treaties as inextricably joined with the process of settlement expansion.

A letter written by Reverend Constantine Scollen, during the negotiations for Treaty Number Six at Fort Pitt, outlined the nature of prevailing Indian-White relations and the Blackfoot peoples' comprehension of the situation. Stating that initially the arrival of the N.W.M.P. had been a "great boon" to the Blackfoot, Scollen pointed out that now

> although they are externally so friendly, to the Police and other strangers who now inhabit

> their country, yet underneath this friendship remains hidden some of that dread which they have always had of the white man's intention to cheat them.[63]

Supporting this suspicion, British-Canadian "equality before the law" had enabled Cree, half-breeds and White men to enter a country where they were never before allowed. Further, the settlements around Fort Macleod and Fort Calgary had driven the buffalo away from the traditional hunting grounds. Consequently, the Blackfoot opinion was "that the Police [were] in the country not only to keep out whiskey traders, but also to protect white people against them [the Blackfoot], and that [the] country [would] be gradually taken from them without any ceremony."[64] As Scollen's letter revealed, the Blackfoot peoples directly addressed the long-term implications of the Dominion Government's priorities. Without official recognition of their interests, the mutual benefits derived from the N.W.M.P. regime were of little value to the Blackfoot. Instead, the Mounted Police were simply an additional factor precipitating the final destruction of Blackfoot cultural and economic independence.

In essence, Reverend Scollen's presentation of the Blackfoot peoples' perspective summarized the basis for the "Indian unrest" which had existed since the decision not to carry out the 1872 Order-in-Council authorizing a formal land cession with the Cree and Blackfoot.[65] As early as July 19, 1875, Commissioner French of the N.W.M.P. had reacted to the ascendancy of this unrest among the native inhabitants. Looking to local initiative, French had written that "he intended pressing the subject [preservation of the buffalo] on the new Council of the North-West Territories as soon as it assembled. He would ask for an export duty on buffalo robes and pemmican, a closed season for hunting, and penalties for killing buffalo and taking less than half the meat."[66] Following British-Canadian custom, the Commissioner ironically presumed to redress through legislation a situation already exacerbated for the Indian peoples by N.W.M.P. law and order. Indeed, this proposal embodied the ambivalence of Indian-White relations.

Eight months later, on March 26, 1876, John C. Schultz, member for Lisgar, carried the question to the House of Commons. He expressed the issue in a manner consistent with the Dominion Government's concern to appease frontier Indian-White interaction:

> So long as the buffalo were numerous....there was little danger of difficulty with the Plains tribes of Indians with whom we are now being brought into contact. When these were extinct we must expect to deal with a race of paupers rendered dangerous by want of food.[67]

Schultz recommended that a law be passed to forbid buffalo hunting from November 1st to May 1st and to prohibit, during any season, the killing of calves. One year later, however, in March of 1877, the Dominion Government had not yet passed any legislation. When Schultz repeated his enquiry and recommendations, the Minister of the Interior, David Mills, reported "that the Government had given the matter serious consideration but was of the opinion that the Council of the North-West Territories was more able to deal with the matter."[68] This decision to defer the question to the territorial Council was in itself a year late.

For the Blackfoot peoples the further deterioration of economic conditions compounded the inefficacy of this protracted discussion. As the Winnipeg Daily Free Press observed on September 29, 1876: "Immense herds of buffalo were passed on the other side of the Qu'Appelle, heading eastward. Last winter there were none hunted in the immediate proximity of Fort McLeod, though buffalo were very abundant the previous seasons."[69] The full impact of this eastward migration was reported to the Ottawa Free Press on October 12, 1876:

> the more easterly Indian has laid by ample supplies /of the buffalo meat/ for his present and subsequent requirements. The advance of the buffalo in this direction has, however, left the plains of the Blackfeet almost deserted, and I have been informed that these people have actually been killing their horses for food. That tribe of red men are very numerous, and hence the prospect is that they will spend the winter on the 'ragged edge' of starvation.[70]

Traditionally, the underlying principle of the Blackfoot peoples' concept of cooperative coexistence had been preservation of their economic independence. Now the prevailing deprivation deepened the tensions caused by the social and cultural inroads of British-Canadian law and order and the lack of treaty negotiations.

(iv)

In the annual report of the N.W.M.P. for 1876, Comptroller Frederick White noted that "the country...

which has hitherto been claimed by the Blackfeet as their hunting ground, has this year been encroached upon by other Indians and Half-breeds, causing much irritation among the Blackfeet...[who say] that if they were not restrained by the presence of the Police, they would make war upon the intruders."[71] The Comptroller's remarks reflected more than an official awareness of the changing conditions of 1875-76 in Blackfoot territory. During December, 1876, the arrival of refugee American Sioux at Wood Mountain gave new significance to White's observation. The immediate arrivals numbered "about 500 men, 1,000 women, and 1,400 children, with about 3,500 horses."[72] Later in March, 1877, Four Horns, head of the Teton Sioux, arrived with 57 lodges, and in May, Sitting Bull along with 135 lodges, also crossed the border.[73] From the Dominion Government's perspective, this occurrence added the diplomatic pressures of international relations with the United States Government to the question of future treaty negotiations in the Territories.[74] For the Blackfoot peoples, this arrival not only posed problems with inter-tribal relations, but also made the question of economic independence absolutely crucial.

Earlier, in 1876, when the Dominion Government had adhered to its own economic concerns in refusing a Treaty with the Blackfoot peoples, the Blackfoot had also asserted their own economic priorities. The reality of starvation had required a reassessment of their cooperative coexistence with the Mounted Police. Accordingly, the

Blackfoot leaders had chosen to address the long-term implications of British-Canadian encroachment with a declaration of mutual obligation. The political activity of the Sioux was the catalyst for this strategy. As a correspondent from the Toronto Globe had reported:

> There is at present a large gathering of Indians at Cypress Hills -- North and South Peigans, Blackfeet, Bloods, Assiniboines, beside Gros Ventres, Crows, and Sioux from the American side, in all about 3,000 lodges. What this great meeting of Indians, all heretofore enemies, may portend I am unable to say, but it is reported, and generally believed here, that the Sioux who planned and carried out this meeting of the different tribes, will attempt to sow the seeds of dissension and distrust amongst the other Indians with a view to a general rising hereafter against the whites. Major Irvine, with one officer and a detachment of ten men left here /Fort Macleod/ on the 13th for Cypress Hills, to be present at this Indian gathering, and to learn, if possible, what takes place in their councils.[75]

On July 8, 1876, Sub-Inspector C. E. Denny reported on the Blackfoot leadership's response to this inter-tribal council. Noting that he was "detained /in the Blackfoot/ camp by a council called by the principal Blackfeet Chiefs, who invited me to their meeting," Denny recorded that one month earlier the Sioux had "sent a message to the Blackfoot Camp with a piece of Tobacco" signifying a proposed alliance. The Sioux had asked the Blackfoot to join them in war against other enemy tribes and the Americans, in return for which the Sioux would give the Blackfoot "plenty of horses and mules they had captured from the Americans." The Sioux had "also told the Blackfeet that if they would come to help them against the Americans, that after they had killed all the Whites they would come over and join the Blackfeet to exterminate the Whites on this side."[76] Shortly before Denny's arrival the Blackfoot council had sent a reply to the Sioux "to the effect that they would not smoke their tobacco on such terms, and that they were not willing to make peace with the understanding of helping them to fight the Whites, as they were their friends and they would not fight against them."[77] As Denny indicated, the Blackfoot were confirming their decision of the late 1860's[78] to consolidate their homeland by clearly delineating their position regarding Indian-White conflict south of the forty-ninth parallel.

Yet the full reasoning behind this rejection of the proposed Sioux alliance was revealed by Chief Crowfoot:

> We all see the day is coming when the buffalo will all be killed, and we shall have nothing more to live on, and then you will come into our camp and see the poor Blackfeet starving. 'I know,' he said, 'that the heart of the white soldier will be sorry for us, and they will all tell the great mother who will not let her children starve.' He said, 'We are getting shut in, the Crees are coming into our country from the north, and the white men from the south and east, and they are all destroying our means of living; but still, although we plainly see these days coming we will not join the Sioux against the Whites, but will depend upon you to help us.'[79]

Chief Crowfoot's re-assertion of the Blackfoot peoples' coexistence with the N.W.M.P. underlined the necessity of mutual benefits with the requirement of mutual responsibility, particularly with regard to economic well-being. Although an expression of expedience in the face of immediate circumstances, Crowfoot's attitude made self-determination and future adaptation the continuing core of Blackfoot existence.

The absence of a Treaty, the reduction of the buffalo herds and the disadvantage of British-Canadian law and order did not modify this concern.

Whether the full import of Chief Crowfoot's pact with the Mounted Police in 1876 was realized is debatable. Sub-Inspector Denny's report stressed that the Blackfoot, like the N.W.M.P., were mainly intent upon preventing tribal warfare. According to Denny, Chief Crowfoot had asked "whether in case they were attacked by the Sioux without themselves being the aggressors, and called upon us, for the Mounted Police, to help them, we would do so."[80] Denny had replied that if the Blackfoot peoples were attacked in such a manner British-Canadian justice guaranteed the Blackfoot "the right of protection as well as any other subjects." Yet Denny also clarified the terms governing the Blackfoot claim to equality within the law. He qualified his promise of N.W.M.P. support with the statement "that as long as they [the Blackfoot] were quiet and peaceable they would always find us their friends and willing to do anything for their good."[81] This reply was in keeping with the Dominion Government's aim to use the application of justice as a way to appease the native inhabitants, and contain Indian-White conflict. Further, these priorities limited Sub-Inspector Denny's comprehension of the Blackfoot pact for a policy of mutual obligation.

From these two different perspectives the N.W.M.P. and the Blackfoot peoples dealt with the continuing influx of regufee Sioux in 1877 and the preparations for concluding Treaty Number Seven. In May, 1877, Commissioner James F. Macleod reported: "The Blackfeet I know are anxious about the invasion of their country. They say that before our arrival they were always able to keep them out, but that they now wish to be friends, so long as they [the Sioux] keep away." Because the Blackfoot showed no opposition to the Force, the Commissioner interpreted the Blackfoot position as simply the establishment of a stronger alliance with the N.W.M.P. against the Cree and Sioux. Similarly in August, one month prior to the formal Treaty signing, he stated that the Blackfoot had once again "expressed their unaltered loyalty to the British Crown, and repeated their willingness to fight in its defence if they were ever required to do so."[82] In neither of these instances did the Commissioner indicate any understanding of the Blackfoot intent to nurture a reciprocal recognition of interests.

As a partial explanation of Commissioner Macleod's viewpoint, on July 5, 1877, the Winnipeg Daily Free Press had voiced the commonly accepted interpretation of the professed loyalty of the Blackfoot peoples:

> The different results of the very different kinds of policy adopted towards the aborigines of the United States and Canada respectively afford a convincing proof of the superior wisdom of the system of justice and humanity not only professed but carried out by the Canadian Government. The Americans are never wholly without an Indian war on their hands, and probably the contest between the races will intermittently continue until the red man is finally driven off every inch of territory covered by the star-spangled banner. In

> British North American, on the contrary, the Indians are permitted to enjoy their existence under the protection of the laws, and, if they do not prove very industrious or productive members of the commonwealth, they are at any rate law-abiding and peaceful citizens, whose loyal and not unimportant aid might be reckoned on with confidence should the Dominion ever be threatened with hostile invasion. The basis of this happy state of the relations between the white and red population of Canada is undoubtedly the treatment in good faith of the weaker race.[83]

Prompted by the seemingly peaceful coalescence of the Blackfoot, Cree and Sioux peoples in the Territories, this popular analysis expressed the British-Canadian belief that frontier stability was synonymous with the principles of justice. From a national perspective the Blackfoot peoples were the benefactors of N.W.M.P. law and order; their alliance with the N.W.M.P. was sufficient proof. Furthermore, the absence of open conflict justified this interpretation and belittled the validity of the Blackfoot grievances. As the Winnipeg Daily Free Press pointed out, just prior to the negotiation of Treaty Number Seven:

> the chief difficulty of consummating an arrangement lies in the probabilty that excessive demands will be made by the Indians for compensation for the extinction of the buffalo, which they foresee must happen as white immigration progresses. The condition that they will also desire to import with reference to the total exclusion of other Indians and half-breeds from the Blackfeet hunting grounds is another difficult point to arrange.[84]

In emphasizing the two key factors resulting from White encroachment, and essential for maintaining the balance of Blackfoot-Dominion coexistence, this article clearly focussed the underlying tension in Blackfoot territory. Yet at the same time, this insight overlooked the intent of the Blackfoot leaders' pact of 1876 which determined a policy to carry forward self-interest on the basis of cooperative interchange rather than confrontation. The actual negotiation of Treaty Number Seven was to reflect a similar divergence in the British-Canadian and Blackfoot conception of Indian-White relations.

(v)

Commenting on the background of Dominion-Blackfoot relations, Minister of the Interior, the Hon. David Mills, noted: "[The Blackfoot] have for years past been anxiously expecting to be treated with, and have been much disappointed at the delay of negotiations."[85] After this brief recognition of the tensions which had marked Blackfoot-N.W.M.P. relations since 1875-76, Mills went on to stress "the benefits [which the Blackfoot had]...derived from the presence of the Mounted Police, the prohibition of liquor, and the establishment of law and order in the North-West Territories, under Canadian rule."[86] In keeping with the Dominion Government's priorities, these judicious steps had brought "the cessation of warfare between the various tribes, which was before of constant occurrence." In fact, as one "intelligent Ojibbeway Indian trader" had observed: "Before the Queen's Government came, we were never safe, and now I can sleep in my tent anywhere, and have no fear. I can go the Blackfeet, and Cree Camps, and they treat me as a friend."[87] The Minister of the Interior's example epitomized the central issue of the Blackfoot peoples' discontent. Mills adhered to an approach which foresaw law and order as a means to appease Indian-White interaction; this containment of potential conflict equated inter-tribal relations with the ideal of frontier stability and national expansion.

From this vantage point, on September 17, 1877, Ottawa authorized formal negotiations for treating with the Blackfoot. The Government commissioned David Laird, the new Lieutenant-Governor of the North-West Territories, and Commissioner James F. Macleod of the N.W.M.P. as the Queen's special representatives.[88] Macleod's presence was considered essential to assure a good rapport between the Dominion officials and the Blackfoot peoples. In addition, he was accompanied by "an escort, consisting of 108 police, 119 horses and two 9-pounder guns."[89]

The Lieutenant-Governor's opening remarks to the Blackfoot leaders echoed those of Lieutenant-Governor Archibald at Lower Fort Garry in August of 1871. Drawing an analogy with Indian-White relations as they existed in Eastern Canada, Laird informed the Blackfoot:

> The Great Spirit has made all things--the sun, the moon, and the stars, the earth, the forests, and the swift running rivers. It is by the Great Spirit that the Queen rules over this great country and other great countries. The Great Spirit has made the white man and the red man brothers, and we should take each other by the hand. The Great Mother loves all her children, white and red man alike; she wishes to do them all good....
>
> Many years ago our Great Mother made a treaty with the Indians far away by the great waters in the east. A few years ago she made a treaty with those beyond the Touchwood Hills and the Woody Mountains. Last year a treaty was made with the Crees along the Saskatchewan, and now the Queen

> has sent Col. McLeod and myself to ask you to make a treaty ...She wishes you to allow her white children to come and live on your land and raise cattle, and should you agree to this she will assist you to raise cattle and grain, and thus give you the means of living when the buffalo are no more.[90]

The Lieutenant-Governor went on to advise the Blackfoot that in regard to the máns of living, "the other Indians wanted farming implements, but these you do not require, as your lands are more adapted to raising cattle, and cattle, perhaps, would be better for you. The Commissioners will give you your choice, whether cattle or farming implements."[91]

Laird's introductory proposal carried forward the basic outline of British-Canada's pre-Confederation policy for civilizing the Indian peoples. Although a modification of the Eastern Canadian approach, the pastoralist programme,[92] as an alternative to sedentary agriculture, was consistent with the Government's on-going objective. As with the creation of an Indian Fund in 1845,[93] the Dominion Government remained determined to promote economic self-sufficiency among the Indian peoples of Manitoba and the North-West. To this extent, Laird's opening comments foreshadowed the approach to Indian-White relations which Treaty Number Seven represented.

At the same time, the Lieutenant-Governor was cognisant of the value which the Indian peoples attached to their lands, despite their traditional disinterest in tilling the soil. On January 22, 1877, he had observed "that to the Indian the land question far transcends all others...."[94]

Accordingly, during the first of his interviews with the Blackfoot Council, the Lieutenant-Governor clearly set forth that a reserve of land would be set aside for themselves and their cattle, "upon which none others [would] be permitted to encroach."[95] The actual size of the reservation followed the pre-Confederation format; "for every five persons one square mile [would] be allotted.., on which they [could] cut the trees and brush for firewood and other purposes."[96] Three days later, just prior to hearing the Indian leaders' response to the Treaty terms, Laird again stressed the sanctity of their lands. In accordance with the official definition of Indian-White relations as declared in the special Indian legislation of 1857, he stated:

> The Queen's officers will permit no white man or Half-breed to build or cut the timber on your reserves. If required roads will be cut through them...It is your privilege to hunt all over the prairies, and that should you desire to sell any portion of your land, or any coal or timber from off your reserves, the Government will see that you receive just and fair prices....[97]

In these general terms the Lieutenant-Governor defined the nature of the Treaty and its implications for the Blackfoot peoples in relation to British-Canadian society. To establish the spirit in which the terms were offered, Laird asserted that "by the past conduct of the Police towards you, you can judge of the future;" "just as the N.W.M.P. 'speak and act straight,' so too the terms of the treaty will be fulfilled."[98]

For the Blackfoot peoples, the Lieutenant-Governor's statement meant that the mixed blessing of

British-Canadian law and order would now be complicated by the Dominion's vague Treaty. From this perspective, Laird's underlining of the terms by invoking the superficial trust apparent in the N.W.M.P.-Blackfoot relationship, served only to emphasize the one-sided policy which was eroding Blackfoot sovereignty. Medicine Calf, otherwise known as Button Chief, expressed this view as a rebuttal to Laird's re-affirmation of the Treaty terms. Having been present at the first treaty signing between the Blackfoot peoples and the American Government in 1855, Button Chief's statement showed an awareness of the full implications of White encroachment, whether American or British-Canadian. Clearly setting forth the political sovereignty of the Blackfoot peoples, Button Chief established:

> The Great Spirit sent the white man across the great waters to carry out His (the Great Spirits) ends. The Great Spirit, and not the Great Mother, gave us this land. The Great Mother sent Stamix-otokan (Col. McLeod) and the Police to put an end to the traffic in fire-water. I can sleep now safely....The Great Mother sent you to this country, and we hope she will be good to us for many years. I hope and expect to get plenty; we think we will not get so much as the Indians receive from the Americans on the other side; they get large presents of flour, sugar, tea and blankets. The Americans gave at first large bags of flour, sugar, and many blankets; the next year it was only half the quantity, and the following years it grew less and less, and now they give only a handful of flour. We want to get fifty dollars for the Chiefs and thirty dollars each for all the others, men, women, and children and we want the same every year for the future.[99]

Button Chief's monetary demands greatly exceeded those provided for in the Treaty. Lieutenant-Governor Laird had stipulated that as a gratuity "every men, woman and child /would/ get twelve dollars each"; and, as an annuity, to be paid in perpetuity, every woman and child would receive five dollars.[100] While these terms represented an increase over the three to four dollars per capita allotment originally advised by Secretary of State Joseph Howe in 1871,[101] the financial commitment at Treaty Number Seven represented the upper limit.[102] From Ottawa's perspective the annuity payment was an expense which only settlement and development of resources would justify. Yet Button Chief's terms were part of a rationale, the long term aim of which was not entirely dissimilar from that professed by the Dominion Government. His claim for thirty to fifty dollars per capita annually was closely tied to his demand that the Blackfoot peoples "be paid for all the timber the Police and whites have used since they first came to our country. If it continues to be used as it is, there will soon be no firewood left for the Indians."[103] If the Treaty was to provide adequate means to make possible a new existence, its terms would have to provide resources equivalent to those the native inhabitants had surrendered with the passing of their traditional way of life. The Treaty would have to enable cooperative coexistence.

Lieutenant-Governor Laird's argument in response to Button Chief's terms articulated the cultural and social implications of British-Canadian expansion. Maintaining that the "Chief is asking too much," Laird held up the past record of the N.W.M.P.:

> [Button Chief] has told us of the great good the Police have done for him and his tribe and throughout the country by driving away the whiskey traders, and now he wants us to pay the Chiefs fifty dollars and others thirty dollars per head, and to pay him for the timber that has been used. Why, you Indians ought to pay us rather, for sending these traders in fire-water away and giving you security and peace, rather than we pay you for the timber used...We cannot do you good and pay you too for our protection...Button Chief wishes to get the same every year as this year; this we cannot promise. We cannot make a treaty with you every year. We will give you something to eat each year, but not so much as you will receive now. He says the Americans at first gave the Indians many large sacks of flour, and now they only receive a handful. From us you receive money to purchase what you may see fit; and as your children increase yearly, you will get the more money in the future, as you are paid so much per head.[104]

The Lieutenant-Governor's pronouncement precluded any radical re-adjustment of the Treaty terms. The essence of the Dominion Government's approach was the provision of basic necessities as a means towards achieving a new way of life. The philosophy behind the policy carried with it no guarantee as to the Indian peoples' future standard of living; this was left to the individual's own efforts. This attitude did not recognize that the Treaty terms represented the Blackfoot peoples; homeland and their continuing social and cultural identity. As with the activities of the N.W.M.P., Laird's reply assumed British-Canadian sovereignty. This assumption caused the Lieutenant-Governor to view Button Chief's demands as unjustified.

Throughout the week-long negotiations, Button Chief's opposition was the only open rejection of Treaty terms. His sentiment, however, was supported by the actions of the Blackfoot Council. Crowfoot, head chief of the

Blackfoot tribe, refused to accept the food supplies provided by the Dominion officials during the negotiations until he was assured that acceptance of the rations did not involve an automatic obligation to accept the Government's terms. The Blood tribe did not arrive at Blackfoot Crossing until the day before the official negotiations ended. Until their arrival, the Blackfoot Council refused to make a final decision.

Faced with the vague, uncertain exchange offered by the Dominion Government for their lands, the Blackfoot Council ultimately chose to accept Treaty Number Seven on the same basis as their 1876 pact between Sub-Inspector C. E. Denny and Chief Crowfoot. As spokesman for the Blackfoot Council, Crowfoot implicitly recognized the inevitability of British-Canadian encroachment and the eventual extinction of the buffalo herds. He, therefore, reiterated the Blackfoot determination to adapt through maintaining a cooperative relationship with the N.W.M.P. as representatives not only of Canada, but as a party to a mutual trust. Through this trust the Blackfoot peoples would address the basic requirements needed to ensure adequate means for the continuation of both individual and cultural integrity. In his opening address Lieutenant-Governor Laird had stated:

> The good Indian has nothing to fear from the Queen or her officers. You Indians know this to be true. When bad white men brought you whiskey, robbed you, and made you poor, and, through whiskey, quarrel amongst yourselves,

> she sent the Police to put an end to it. You know how they stopped this and punished the offenders, and how much good this had done. I have to tell you how much pleased the Queen is that you have taken the Police by the hands and helped them, and obeyed her laws since the arrival of the Police. She hopes that you will continue to do so, and you will always find the Police on your side if you keep the Queen's laws.[105]

The Blackfoot Council accommodated this persepctive in choosing to negotiate on the grounds of Laird's guarantee that they would always find the Police on their side if they kept the Queen's laws. As Crowfoot stated:

> I hope you look upon the Blackfeet, Bloods and Sarcees as your children now, and that you will be indulgent and charitable to them. They all expect me to speak now for them, and I trust the Great Spirit will put into their breasts to be a good people - into the minds of the men, women and children, and their future generations. The advice given me and my people has been very good. If the Police had not come to the country, where would we all be now? Bad men and whiskey were killing us so fast that very few, indeed, of us would have been left today. The Police have protected us as the feathers of the bird protect it from the frosts of winter. I wish them all good, and trust that all our hearts will increase in goodness from this time forward.... I will sign the treaty.[106]

Accordingly, Button Chief acceded, stating, "I must say what all the people say, and I agree with what they say I cannot make new laws. I will sign."[107] Similarly, Red Crow, head chief of the Bloods, restated the basis upon which the Blackfoot peoples would enter into an official relationship with the Dominion Government:

> Three years ago, when the Police first came to the country, I met and shook hands with Stamix-otokon (Col.McLeod) at Pelly [sic] River. Since that time he made me many promises. He kept them all - not one of them was ever broken. Every-

> thing that the police have done has been good. I entirely trust Stamixotokon, and will leave everything to him. I will sign with Crowfoot.[108]

Crowfoot's and Red Crow's statements were equally as general as the terms which Lieutenant-Governor Laird had stipulated. Temporarily ignoring the problems caused by the imposition of law and order in Blackfoot Territory, both leaders addressed the principle of justice as a cornerstone of the Treaty. Throughout the actual negotiations the Government officials had interpreted the Blackfoot position as a trusting, naive acceptance of the benefits of British-Canadian law and order. The Blackfoot Council, however, had acquiesed in Treaty Number Seven knowing the potential for future economic deprivation. As a part of this realization, the Blackfoot addressed the necessity of perpetuating a strong liaison with the N.W.M.P. as the immediate representatives of the Dominion Government. Only on this basis would the Treaty function as a commitant to the Blackfoot peoples.

The period from 1874 to 1877 marked an interlude during which N.W.M.P. law and order and the Blackfoot concept of cooperative coexistence had satisfied the Dominion Government's desire for frontier stability. From British-Canada's perspective, this interlude had furthered the progress of national expansion by laying the foundation for successfully concluding Treaty Number Seven. Yet for the Blackfoot peoples the signing of the Treaty was the first step in a process which would redefine their existence according to the Dominion Government's conception of Indian-White relations. Indeed, by an act of Parliament in 1876, the Indian legislation of 1857 had been extended to include the Indian peoples of the North-West. The policy accompanying this legislation would also complicate future N.W.M.P.-Blackfoot relations.

FOOTNOTES:

[1] PAM, Morris Papers, Ketcheson Collection, Morris to Mackenzie, December 4, 1873.

[2] Ibid., Mackenzie to Morris, December 6, 1873.

[3] PAM, Morris Papers, Lieutenant-Governor's Collection, enclosure from Edward McKay, August 24, 1873. McKay reported that : "The Chiefs [had] sent tobacco to the various tribes directing them to keep together, in view of a probable attack from the Americans."

[4] Ibid.

[5] PAM, Morris Papers, Ketcheson Collection, Morris to Campbell, October 15, 1873. This message may also have been a diversion created by the Metis to protect their traditional fur trade interests from their Indian rivals.

[6] PAM, Morris Papers, Ketcheson Collection, Morris to Mackenzie, December 4, 1873.

[7] PAM, Morris Papers, Telegram Book No. 2, Morris to Dorion, May 26, 1874.

[8] PAM, Morris Papers, Ketcheson Collection, Morris to Mackenzie, April 25, 1874.

[9] Ibid., Telegram Book No. 2, Morris to Dorion, May 26, 1874.

[10] Kimberley Papers, Dufferin to Kimberley, 24 Dec. 1873, as cited in S. W. Horrall, "Sir John A. Macdonald and the Mounted Police Force for the Northwest Territories," CHR, Volume 53, 1972, p. 198.

[11] PAM, Morris Papers, Lieutenant-Governor's Collection, A. A. Dorion to Morris, May 20, 1874.

[12] Ibid.

FOOTNOTES continued:

[13] Ibid.

[14] Ibid.

[15] PAM, Morris Papers, Lieutenant-Governor's Collection, A. A. Dorion to Morris, May 20, 1874.

[16] PAC, Macdonald Papers, Vol. 518/594-595, Macdonald to Hincks, April 14, 1871. Also cited in J. L. Taylor, "Development of an Indian Policy," p. 91.

[17] See Chapter III, pages 15, 26-27, of this thesis.

[18] Canada, Sessional Papers, Volume V, Number 9, Annual Report of the State of the Militia for 1872, p. CXXIII.

[19] PAM, Morris Papers, Telegram Book No. 2, H. Bernard to Morris, June 22, 1874.

[20] Ibid., Ketcheson Collection, Campbell to Morris, August 14, 1873.

[21] Annual Report of the North-West Mounted Police, 1874, Appendix A, Diary, p. 41.

[22] Ibid., p. 45.

[23] Annual Report of the N.W.M.P., 1874, p. 22.

[24] Ibid., Appendix A, Diary, p. 47.

[25] Ibid., p. 22.

[26] Ibid.

[27] Ibid.

FOOTNOTES continued:

[28] PAM, Morris Papers, Telegram Book No. 2, French to Morris, September 24, 1874.

[29] For a consideration of the North-West Mounted Police as an expression of the social values which accepted and regarded the administration of justice as a vital element of Canada's westward expansion, see Roderick C. Macleod, "The North West Mounted Police 1873-1905: Law Enforcement and the Social Order in the Canadian North-West" (unpublished Ph.D. thesis in modern history for Duke University, 1972).

[30] Annual Report of the N.W.M.P., 1874, p. 62.

[31] *Ibid*., p. 67.

[32] "Jerry Potts was a Scottish-Blood frontiersman who was engaged by Colonel Macleod at Fort Benton during the March West...He remained as scout and interpreter for the Police until his death in 1896." See Hugh A. Dempsey (ed.), *A Winter at Fort Macleod*. Calgary: McClelland and Stewart West, 1974, page 125.

[33] Annual Report of the N.W.M.P., 1874, p. 64.

[34] *Ibid*.

[35] *Ibid*.

[36] *Ibid*.

[37] *Ibid*., p. 65.

[38] *Ibid*.

[39] See John C. Ewers, *The Horse in Blackfoot Indian Culture*. Washington: 1955, Bureau of American Ethnology, Bulletin 159. Particularly pages 212-218, 240-253.

[40] Annual Report of the N.W.M.P., 1874, p. 67.

FOOTNOTES continued:

[41] See John C. Ewers, The Horse in Blackfoot Indian Culture, pages 216-220. Also John C. Ewers, Indian Life on the Upper Missouri (Norman: University of Oklahoma Press, 1968), pp. 14-44.

[42] See John C. Ewers, The Horse in Blackfoot Indian Culture, pages 299-336; John C. Ewers, The Blackfeet, Raiders on the Northwestern Plains (Norman: University of Oklahoma Press, 1958), pp. 196-204; Dennis Lloyd Rinn, "Territorial Diffusion of the European Horse among the Blackfoot Tribes and Sarcee" (unpublished M.A. thesis, University of Manitoba, 1975.)

[43] Winnipeg Daily Free Press, March 8, 1875.

[44] Hugh A. Dempsey (ed.), A Winter at Fort Macleod (Calgary: McClelland and Stewart West, 1974), pp. 49-50.

[45] Letter of June 15, 1875, published in the Winnipeg Daily Free Press, July 10, 1875.

[46] Manitoba Free Press, May 24, 1875.

[47] John McDougall, Opening the Great West (Calgary: Glenbow-Alberta Institute, 1970), p. 14.

[48] Ibid., see footnote 2, page 14.

[49] Ibid., p. 26.

[50] Annual Report of the N.W.M.P., 1874, p. 64.

[51] Ibid.

[52] Annual Report of the State of the Militia for 1875, Report of Major-General Selby-Smith, "Reconnaisance of the North West Provinces and Indian Territories of the Dominion of Canada, and Narrative of Journey Across the Continent through Canadian Territory to British Columbia and Vancouver Island," pp. CVII - CXXVII.

FOOTNOTES continued:

[53] Winnipeg Daily Free Press, October 2, 1875.

[54] Ibid.

[55] John McDougall, Opening the Great West, p. 15.

[56] Ibid., p. 17.

[57] PAM, Morris Papers, Ketcheson Collection, Morris to Secretary of State, July 11, 1876.

[58] Ibid.

[59] Ibid.

[60] PAM, Morris Papers, Telegram Book No. 2, R. W. Scott to Morris, July 25, 1876.

[61] Ibid., Morris to McKenzie, July 26, 1876.

[62] Ibid., Morris to McKenzie, July 28, 1876.

[63] Ibid., McKenzie to Morris, July 28, 1876.

[64] The Hon. Alexander Morris, P.C., The Treaties of Canada with the Indians of Manitoba and the North West Territories (Toronto: Belford, Clarke & Co., 1881), pp. 248-249.

[65] Ibid., p. 249.

[66] See Chapter III, page 18, this thesis.

[67] PAC, RG 18 133, Vol. 46, French to Jarvis, July 19, 1875, as cited in J.L. Taylor, "Development of an Indian Policy," p. 238.

FOOTNOTES continued:

[68] House of Commons Debates, March 20, 1876, p. 730.

[69] Ibid., p. 933.

[70] Winnipeg Daily Free Press, September 29, 1876.

[71] Published in Winnipeg Daily Free Press, October 12, 1876.

[72] Annual Report of the N.W.M.P., 1876, p. 23.

[73] Annual Report of the N.W.M.P., 1877, p. 20.

[74] Ibid. For further details see Gary Pennanen, "Sitting Bull: Indian Without a Country," CHR, Volume 51, 1970, pp. 123-140.

[75] See Pennanen, "Sitting Bull," CHR, Volume 51, 1970, pp. 123-140.

[76] Winnipeg Daily Free Press, July 31, 1876.

[77] Annual Report of the N.W.M.P., 1876, p. 22.

[78] Ibid.

[79] See Chapter I, this thesis.

[80] Annual Report of the N.W.M.P., 1876, p. 22.

[81] Ibid.

[82] Ibid.

[83] Annual Report of the N.W.M.P., 1877, p. 21.

FOOTNOTES continued:

[84] Winnipeg Daily Free Press, July 5, 1877. The British-Canadian conception of western expansion asserted the validity of law and order as intrinsic to future settlement. Correspondingly, the British-Canadian perception of Indian-White relations in the Territories merged the native peoples with these values, implying their ready acceptance. This pattern of comprehension influenced policy formation in response to the native inhabitants of the North-West. See: Douglas Robb Owram, "White Savagery: Some Canadian Reactions to American Indian Policy, 1867-1885," (unpublished M.A. thesis in history, Queen's University, 1971), particularly Chapters III and IV; and Douglas Robb Owram, "The Great North West: The Canadian Expansionist Movement and the Image of the West in the Nineteenth Century," (unpublished Ph.D. thesis in history, University of Toronto, 1976), particularly pp. 327-329.

[85] Winnipeg Daily Free Press, September 13, 1877.

[86] Morris, The Treaties of Canada, p. 245.

[87] Ibid., p. 247.

[88] Ibid.

[89] Ibid., p. 245.

[90] Annual Report of the N.W.M.P., 1877, p. 21.

[91] Morris, The Treaties of Canada, pp. 267-268.

[92] Ibid., p. 268.

[93] In a letter of July 26, 1877, to the Hon. D. Mills, Minister of the Interior, Commissioner James F. Macleod recommended that the Blackfoot be supplied with cattle as the country was "admirably adapted to stock raising." The Indians could then "be induced gradually to lead pastoral lives and by...imitating the example of white settlers who have already commenced farming in this neighbourhood, to go into agricultural pursuits on their own account." (RG 10 Vol. 3651 File 8576.)

FOOTNOTES continued:

Similarly, on August 1, 1877, in his letter of instructions to the Commissioners for Treaty Number Seven negotiations, the Hon. D. Mills pointed out:

> The Commissioners will do well to bear in mind that there is a large tract of country within the unsurrendered territory of a somewhat arid character and unsuited for settlement, but over which it is said the buffalo are found to roam; and it would perhaps be well if the Reserves were selected from the fertile lands found at places within this territory, or at least in its vicinity, where the Indians would be near and have easy access to their hunting grounds, where settlement would not be likely to take place at a very early period, and where the bands could, if they chose, keep cattle and engage in pastoral pursuits. (RG 10/3650)

For a discussion of the Blackfoot peoples as pastoralists, see John C. Ewers, The Horse in Blackfoot Indian Culture, pages 123-129.

[94] See Chapter II, this thesis.

[95] Winnipeg Daily Free Press, January 22, 1877.

[96] Morris, The Treaties of Canada, p. 268.

[97] Ibid.

[98] Ibid., p. 269.

[99] Ibid., p. 270.

[100] Ibid.

[101] Ibid., p. 268.

[102] See Chapter III, this thesis.

[103] J. L. Taylor in "Development of an Indian Policy" argues that the Dominion Government was forced to adjust the financial terms of the treaties in order to maintain

FOOTNOTES continued:

peaceful Indian-White relations. See Chapter IX, pages 267-278.

[104] Morris, The Treaties of Canada, p. 270. On November 18, 1876, the Winnipeg Daily Free Press had noted a report from Fort Macleod stating: "...2,000 pine logs arrived there safely from the mountains on the 15th of Sept. They were driven by a gang of the Force, numbering five men, a distance of 150 miles down Old Man's River to that post. Four days after their arrival they were all landed on the bank, and the Government mill was in full swing. Extra buildings were in course of construction...."

[105] Morris, The Treaties of Canada, p. 271.

[106] *Ibid.*, p. 267.

[107] *Ibid.*, p. 272.

[108] *Ibid.*, p. 273.

[109] *Ibid.*

CHAPTER V

Treaty Number Seven :

1878 - 1880

The final negotiation of Treaty Number Seven had carried forward, in general terms, the pre-Confederation civilization programme as the practical basis for Dominion-Blackfoot relations. Of equal importance, the conclusion of the Treaty brought the Blackfoot peoples within the jurisdiction of the Dominion Government's special legislation governing Indian-White interaction. Indeed, in 1876 the Indian Act had been amended to include the native peoples of the North-West Territories. The debate on amendment revealed the historically consistent values and assumptions which governed British-Canadian Indian policy, and would now influence Indian-White relations within Treaty Number Seven.

The rationale embodied by the Indian Act conflicted with the basis for Indian-White interaction derived from the Mounted Police-Blackfoot accord. Since 1874, the principle of equality within the law had underlined the mutual recognition of N.W.M.P. justice and Blackfoot co-operative coexistence; the economic independence enabled by the buffalo had provided the foundation for this relationship. After 1877 the increasingly imminent extinction of the buffalo threatened an end to coexistence. The wardship rationale which directed the Government's emergency response to the crisis of 1878-79 exacerbated N.W.M.P.-Blackfoot tension. Accordingly, Commissioner James F. Macleod worked to modify the impact of this approach. Still, by 1880, the Dominion Government's interpretation of the Treaty obligation had all but precluded the Blackfoot peoples' ability to continue to adapt to changing circumstances.

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For British-Canada the successful completion of Treaty Number Seven with the Blackfoot peoples confirmed the inherent worth of law and order as the foundation for continuing peaceful expansion. The Winnipeg Daily Free Press summarized the prevailing perspective:

> A police force is certainly required to enforce the laws, but the red man, having experienced the benefit of their enforcement, is now even more than ever ready to give moral and, if necessary, material aid to the authorities in the performance of their functions. With the completion of the Blackfoot treaty the very last ground of anxiety on this side of the Rocky Mountains seems to have been removed, and we imagine there is no reason to fear any difficulty.[1]

Similarly, the Annual Report from the Minister of the Interior repeated "that the conclusion of this treaty with these warlike and intractable tribes, at a time when the Indian tribes, immediately across the border, were engaged in open hostilities with the United States troops, is certainly a conclusive proof of the just policy of the Government of Canada toward the aboriginal population...,"[2] On this basis, the new official definition of the Blackfoot peoples' homeland was "the...portion of the territory.../lying/ at the south-west angle of the territories, north of the boundary line, east of the Rocky Mountains, south of the Red River (Treaty Number Six) and west of the Cypress Hills, or Treaty Number Four...."[3] The region of Treaty Number Seven thus became one of several administrative units superimposed on the ancestral territory of the Blackfoot, Cree, and Assiniboine.

During the Treaty negotiations Lieutenant-Governor Laird had set out the exact nature of the Blackfoot claim to their lands within the Dominion Government's administrative framework. The reserved land guaranteed to the Blackfoot "by the Canadian Law...could not be taken from them, occupied or sold, without their consent..../In addition/ their liberty of hunting over the open prairie would not be interfered with, so long as they did not molest settlers and others in the country."[4] To clarify further, Laird established the Blackfoot peoples' position within the wider context of British-Canadian society. While discussing the question of law and order, he pointed out that he

> could not agree to exclude the Crees and Half-breeds from the Blackfoot country;...they were the Great Mother's children as much as the Blackfeet and Bloods....The Crees and Half-breeds /however/ could be prosecuted for trespassing on their reserves. In this the Indian Act secured them.... But to altogether exclude any class of the Queen's subjects, as long as they obeyed the laws, from coming into any part of the country, was contrary to the freedom which she allowed her people, and the Commissioner would make no promise of this kind.[5]

The principle of equality before the law as enforced by the Mounted Police was part of a cultural perspective which little recognized the different basis of inter-tribal and Indian-White relations. In this sense, Laird's mention of the Indian Act was not insignificant. As an expression of British-Canada's approach to native inhabitants, the 1876 Indian Act established a social and cultural homogeneity for all Indians. Indeed, only according to the terms of the Indian Act did the lands of Indian peoples and their individual cultures continue to exist within British-Canada.

The Indian legislation of 1876, and the policy accompanying it, was the Dominion Government's counterpart to the Blackfoot peoples' determination for cooperative coexistence. From 1874 to 1877 the N.W.M.P.-Blackfoot relationship had made clear the mutual benefits and intercultural disadvantages of law and order, and had established the differing Dominion and Blackfoot conception of Indian-White interaction. Now, in addition, the rationale embodied by the Indian Act would direct the implementation of the terms of Treaty Number Seven.

In this regard, Lieutenant-Governor Laird's reference during the Treaty negotiations to the Indian Act of 1876 was not incidental. As Minister of the Interior in 1874, Laird had worked towards a general revision of the special legislation governing Indian-White interaction. Essentially, his argument reiterated the social and cultural attitudes which, historically, were inextricably a part of the Dominion Government's policy. From Laird's point of view, the central issue was the question of wardship. On the one hand, the predominant concern of Canada's traditional approach to the native peoples was their ultimate assimilation through enfranchisement. Yet the Government's civilization programme seemed to be nurturing a state of dependence and continuing inequality between Indian and White society.[6] Analyzing this situation, Laird had juxtaposed the common British-Canadian view of Indian cultures with its corresponding philosophy:

> Habits formed by a peoples generations back are difficult to overcome. The system of living with the rude savage is from hand to mouth. He has no inducement to acquire property, because it would only further expose him to the attacks of his enemies. He is active on the war-path or in the chase; but when danger is over, revenge satisfied, or his immediate wants appeased, he relapses into his accustomed indolence. It may be said that this inertia is the chief legacy which he bequeaths to his children. The great difficulty with the Indian is that he cannot all at once rid himself of this inheritance. Even under the most favourable circumstances time must be given him to understand the motives and acquire the habits of the white man, who labors to accumulate wealth in order that he may have the means of support in sickness or old age, or of giving his offspring a start in life. But when these motives come to be understood and acted upon by the Indians, the evidence of which is the possession of considerable property acquired by his own industry and thrift, it shows that he may safely be entrusted with the rights of full citizenship. To grant enfranchisement to the intelligent and well-behaved Indians would probably train them to still further self-reliance, and encourage their brethren who are lagging behind to make greater exertions to overtake the Anglo-Saxon in the race of progress.[7]

In setting the British-Canadian ideal against the accepted interpretation of native society, Laird defined a conflict between cultures which repeated the pre-Confederation conception of Indian-White relations: because of their inherent inadequacy, initially the Indian peoples within White society were separate and dependent, but could become equal. The legislation governing Indian-White interaction implicitly established this situation while at the same time pointing towards the Indian peoples' future equality. This rationale involved a contradiction which Laird only indirectly recognized. He argued that the existing legislation "generally rested on the principle, that the aborigines are to be kept in a condition of tutelage and treated as wards or children of the State...."[8] Laird was seeking a solution which the British-Canadian social and cultural perspective all but denied. The condition of wardship was considered as both an intrinsic quality of the native inhabitants' existence and as a necessary first step towards their enfranchisement.

In keeping with this view, Laird proposed a revision which recognized a state of dependency, but stressed the concept of individualism as the dividing line between Indian and White. He pointed out that under the present law an Indian who became enfranchised only obtained a life interest in the land set apart for him. His children had no control over this land after his death, as the reserve land was still a corporate holding which ultimately nullified individual land titles. Laird, therefore, suggested encouraging enfranchisement through allowing land to be willed to children. Further, he recommended a six year probationary period. During this time Indians of proved sober industrious habits could first obtain a ticket or patent to their land and then gain possession of their share of the invested funds of the land. Upon receiving both their land and their share of the monies now held in trust by the Government, such Indians would "cease in every respect to be Indians according to the acceptation [sic] of the laws of Canada relating to Indians and become ordinary subjects of Her Majesty."[9]

This formula basically reiterated the recommendations made by the Chief Superintendent of Indian Affairs in 1845.[10] Thus, as the basis for amending the Indian Act of 1876, Laird's scheme meant that the contradiction of wardship would be extended to the Indian peoples of the North-West. On the one hand, British-Canadian principles of justice established equality; on the other hand, the Indian legislation supported social and cultural inequality. In 1839 Justice Macaulay had questioned this same situation.[11] Nevertheless, adhering to the accepted conception of Indian-White relations, Laird concluded his discussion by pointing to the contemporary Ontario experience where individual land title was "now finding increased acceptance among [the Indian peoples]. Its tendency [was] to elevate them in the social scale...[as] a species of freehold [allowed the Indian] to attach to his position a respect which it had not previously...."[12]

The Indian Act of 1876 incorporated Lieutenant-Governor Laird's recommendations and placed the native inhabitants of the Territories on the cultural-social scale. As the Act stipulated:

> Sections eighty-six to ninety-three, both inclusive, of this Act, shall not apply to any band of Indians in the Province of British Columbia, the Province of Manitoba, the North-West Territories, or the Territory of Keewatin, save in so far as the said sections, may, by proclamation of the Governor-General, be from time to time extended, as they may be, to any band of Indians in any of the said provinces or territories.[13]

This denial of immediate access to enfranchisement for the North-West Indian peoples was an extension of the wardship rationale, bolstered by the imperatives of orderly settlement. As the condition of the native peoples was gradually ameliorated - adjusting to the expansion of British-Canadian society - the right to attain full citizenship would be made available. As Lieutenant-Governor Laird noted in his Annual Report for 1878:

> [The Indian peoples] in the Territories...are not sufficiently intelligent to manage such institutions; but settled hither and thither among the other population of the country, they might, with the aid of their neighbour's example and experience, be able in a generation or two to rise to the full stature of perfect politicians.[14]

The Indian Act embodied this perspective; as the cultural underpinning of national expansion, it carried forward wardship, with its emphasis on individualism, and continued to tie recognition of the Indian peoples to the priorities of the settlement frontier. This rationale would largely determine the degree of obligation the Dominion Government would attribute to Treaty Number Seven. For the Mounted Police and the Blackfoot peoples, this conception of Indian-White relations would create potential conflict through further undermining the limited basis for coexistence provided by law and order.

(ii)

Like the pre-Confederation discussions, the main thrust of Laird's revision was to curtail the perpetuation of a system of wardship. For the Plains Indians, however, the Lieutenant-Governor's approach of encouraging enfranchisement also was limited by the restricting clause in the amended Indian Act. For the Blackfoot, in particular, this meant that their full integration into White society first rested on the implementation of British-Canada's traditional civilization programme. The Treaty terms represented a broad outline. Yet, by 1877-78 the nature of official Dominion-Blackfoot relations remained a policy to appease and to contain Indian-White conflict through the enforcement of law and order. This approach offered no mutual interchange which would assist the Blackfoot peoples' economic independence, and thus, maintain the traditional cornerstone of their concept of cooperative coexistence.

For the Mounted Police, this persisting disregard for the Indians' interests exacerbated the growing tension resulting from the imminent extinction of the buffalo. When, in March of 1877 the Territorial Council had finally passed an ordinance to preserve the buffalo, the almost immediate repeal of this law pointed out the unsuitability of much British-Canadian legislation to the current conditions. Indeed, in May, 1878, Commissioner James F. Macleod of the

N.W.M.P. informed Ottawa that the buffalo-hunting regulations were opposed by some of the Indians themselves and the Metis. In addition, he did not have sufficient numbers of men to enforce the buffalo law among the American Sioux presently taking refuge in Canada, and hence it would not be equal justice to impose the regulations to the detriment of the Canadian Indians and Metis.[15] The Commissioner's report directly recognized the ever-decreasing efficacy of British-Canadian law and order as a basis for appeasing inter-tribal and Indian-White relations.

Macleod's major concern was to prevent a complete reversal of the Blackfoot appraisal of the Mounted Police regime. The Commissioner was increasingly aware that their limited recognition of the British-Canadian presence had rested on the principle of equal justice and the maintenance of their economic independence, both of which allowed a degree of coexistence. This balance had to be preserved. Consequently, in his report for December 1878, Macleod warned that he could not see the buffalo lasting as a supply of food for the Indians for more than three or four years.[16] As his annual report for 1877-78 explained in greater detail, the winter of 1878 had been uncommonly mild with little or no snow, resulting in grass fires from one end of the prairie to the other: "Nearly all the country out from the mountains, the favorite haunt of buffalo during the winter season, was burnt over, so that...the herd did not come into their usual winter feeding ground; but remained out in the plains to the north and south of the Saskatchewan." The

Blackfoot, who normally wintered in the sheltered river bottoms close to the mountains, were also forced to move out onto the plains or face starvation. Further, this change in the seasonal cycle had brought the Blackfoot peoples into much closer proximity with the refugee Sioux. In concluding his report, Macleod emphasized the full impact of this development:

> The Sioux invasion and their continued residence in our territory have entirely changed the Indians situation, and completely upset the calculations upon which the different treaties were based, viz., that the Indians could subsist on buffalo until they became self-supporting. Not only have the Sioux killed off an immense number of animals which would have been available for our own Indians; but by the continued presence of such increased numbers, they have prevented the northern Indians from securing their usual supplies, and have driven the large eastern herd south, to occupy the gap left by the Sioux when they left their old hunting grounds. It is a matter of reasonable doubt whether the herd will ever return in anything like the same number as heretofore.[17]

From the Commissioner's position, the pressure on the existing buffalo herds not only had made the question of buffalo preservation redundant, but also had pointed out that the terms of the treaties were not affording an alternative to the policy of appeasement. Current circumstances militated against the Dominion Government equating its treaty obligations with the gradual expansion of settlement, and relying on the buffalo in the interim. Unless the Government reconsidered its priorities, the elimination of the Indians' food supply would preclude the peaceful Indian-White relations envisioned by the Indian Act and corresponding civilization programme.

Attempting to convince Ottawa, in his final report Commissioner Macleod again addressed the growing discrepancy between preconceived policy and the reality of 1878-79. His argument also stressed that from the Indian peoples' point of view, the treaties signified more than a mere corollary of national expansion:

> The several Treaties which have been made are no doubt of the utmost consequence, for by them we have secured the Indian title, but if each one of them was carried out in its entirity [sic] if each and all of their provisions were fulfilled, even to the satisfaction of the indians effected [sic] by them, the danger I apprehend would not be averted. It is not that the Indians are disaffected towards the rule of the Government; they appreciate that rule, and never cease expressing their gratitude for the paternal care the Government is taking of them; but in some parts of the country they are already brought face to face with starvation....
>
> The provisions of the different treaties which have in view the settling down of the Indians to agricultural and pastoral pursuits, are very good so far as they go, but fall far short of what is required. The process will, I am afraid, be too slow, and the danger I have pointed out will be upon us, as it is now in some sections of the country, before the provisions of the treaties can be carried out, and the Indian made self-supporting.[18]

Macleod went on to advocate that the civilization programme, outlined by the treaties, be inaugurated with the appointment of practical farmers as teachers to the different Indian bands. The threat of conflict justified implementing British-Canada's traditional policy in advance of actual settlement. The resulting mutual benefits would re-establish the balance in Blackfoot-N.W.M.P. relations by equating law and order with a degree of coexistence.

While Commissioner Macleod's solution basically followed the British-Canadian conception of Indian-White relations, his observations incorporated the Blackfoot position. Only once during the summer of 1878 had a large herd of buffalo crossed the boundary line east of Cypress Hills. This continuing crisis for food had caused Sitting Bull to approach Crowfoot to reach an agreement for a peaceful, cooperative survival among traditional enemies. Crowfoot accepted the expedience of this neutrality, but stated "that he did not wish to camp near [Sitting Bull] or that their people should mix much together in the hunt, ...it was better for them to keep apart."[19] The Blackfoot leader's main intent was to ensure that the Dominion Government would have no basis to change its policy of appeasement to one of forthright containment. In this manner the role of the N.W.M.P., as part of the Blackfoot Treaty relationship with British-Canada, would continue to be as a liaison, "expressing [the Blackfoot peoples'] gratitude for the paternal care the Government is taking of them."

Accordingly on this basis, and out of necessity, the Blackfoot peoples accepted the emergency rations of flour and beef made available at the N.W.M.P. posts. Subsequently, in the late summer of 1878 most of the "Bloods," one large band of the "Blackfeet" and some "North Peigans" used these limited supplies to undertake a journey to the Milk River Country, where the main buffalo herd had remained near the "Little Rockies," the "Bear Paw," and across the Missouri in the "Judith Basin."[21] This departure underlined

Commissioner Macleod's observations, and emphasized the discrepancy between the reality of the Government's expedient policy of appeasement and the long-term goals outlined by the Treaty.

(iii)

In his report for 1878-79 to the Minister of the Interior, Lieutenant-Governor Laird supported Commissioner Macleod's observations. Further, his analysis specifically addressed the rationale directing the Dominion Government's priorities. The Department of the Interior, in its annual report for 1878, had expressed the view that extinguishing Indian title to the land in the North-West Territories had added greatly to the financial burden of the country. Carrying forward the pre-Confederation response to Indian-White relations, the Government had stated:

> The traditional policy of Canada towards the Indians has been ever such as to secure the confidence and good will of the Indian population, but it has wholly failed in training the Indians to habits of industry and self-reliance. A new departure in our Indian policy at an early day, is absolutely necessary, a departure which will enable the country to look forward with some confidence to a period when the annuities may be commuted, the Indians enfranchised and the special guardianship of the state terminated. 22

At a policy level, the Government's consideration echoed the main intent behind the 1876 revision of the special Indian legislation. For the Indian peoples of the Territories, this determination to prevent a perpetuation of the wardship meant that the treaty terms would be equated with economic self-sufficiency. Within the context of national expansion, this also meant that the implementation of the civilization programme would remain tied to the process of frontier settlement.

During the debate on amending the Indian Act, Lieutenant-Governor Laird had shared this conception of Indian-White interaction. In stating that the native inhabitants of the Territories were neither sufficiently intelligent, nor advanced in the scale of civilization, to cope with the institutions and responsibilities of full citizenship, Laird had implied the general belief that the native peoples would undergo a gradual evolution away from this dependency. As settlement displaced the Indian peoples' traditional economy, the civilization programme would enable Indian integration with British-Canadian society. Now, however, he argued that the primary concern should be meeting the financial responsibility of carrying "out the Treaty engagements of the Government with the Indians of the North-West..."[23] Urging Ottawa to realize the necessity of a "small judicious expenditure now to ward off, if possible, the evil day of starvation from such large bodies of Indians," Laird focussed on the continuing uncertainty underlying Indian-White relations. He observed:

> Where there is want there is discontent, and all through this Country at the present time, I am sorry to say, there is a feeling of disquietude which somewhat alarms me for the future of this Country. I believe it is caused by the rapid disappearance of the buffalo from the plains, and the uneasiness which the Indians, ...naturally feel about their means of subsistence when the buffalo have become extinct. The Government, I feel convinced, have to make up their

> mind to one of three policies - viz: to help the Indians to farm and raise stock, to feed them or to fight them.[24]

The Lieutenant-Governor's three alternatives summarized the official perspective; in keeping with the Dominion Government's priorities, the native peoples were considered either as a threat to peaceful expansion or as wards of British-Canadian society. Like his predecessor, Lieutenant-Governor Alexander Morris, Laird argued that the resolution of "Indian unrest" called for a readjusting of Ottawa's preconceived schedule for policy application. The basic principles of the civilization programme and the Dominion's own interests were not at issue. The policy of appeasing the Indian peoples through law and order, however, needed to be supplemented by the Government's traditional approach to Indian-White relations.

During the Debate on Supply in May of 1879 the Government finally responded to these reports of the imminent danger stemming from the buffalo crisis. In the House, Sir John A. Macdonald noted that "with respect to the Indians on the east of the Rocky Mountains,..the buffalo had left that country altogether."[25] Indeed, the increasing possibility of direct Indian-White confrontation made it "necessary that the Indians should be induced by every possible means to settle down on the reserves, and take to agricultural pursuits,..." Making allowance for the Plains Indians, the Prime Minister added that "those tribes which were purely nomadic, and which might be for the present considered incapable of settling down to such pursuits, at all events should be induced to become herdsmen, and have flocks and herds."[26] In order to achieve this end, the Government was sending practical farmers into the Territories to instruct the native inhabitants, who, when the buffalo disappeared, "would...take to farming, as was done in Ontario and Quebec, and the older portions of the Dominion, and become farmers to a certain extent."[27]

Macdonald primarily desired an expedient solution to "Indian unrest." Yet, his sanctioning of the civilization programme also re-asserted the traditional moral obligation considered intrinsic to the Government's position as guardian of the Indian peoples. He outlined that the social and cultural transition facing the native inhabitants would now have to be entrusted to "prompt, vigorous, experienced men, understanding Indian character, virtues and frailties, and possessing philanthropic views with regard to them...." In particular, the man chosen as Indian Commissioner for the North-West Superintendency would have to be an individual who would maintain the Crown's protective role and "see that when the white man and the red man came into collision, the red man did not go to the wall."[28] From the Dominion Government's perspective, this trust relationship was essential for maintaining frontier stability and initiating the peaceful assimilation of the native peoples.

For the Blackfoot peoples in particular, the Prime Minister's decision carried with it a preconception of the duties of the N.W.M.P., in relation to traditional Indian policy. From Macdonald's point of view, the necessity of maintaining law and order and the problem of assimilating the native inhabitants were separate and distinct elements in the creation of a stable social order. As with the principles of justice, the application of the principles inherent in the Indian Act was an essential element of orderly settlement expansion. Accordingly, the Prime Minister stated that the position of the N.W.M.P. must be re-assessed:

> I do not think it desirable that the paternal and protective functions devolving upon the Government towards the aborigines should continue very much longer to be performed through a semi-military organization like the Mounted Police, who are frequently called upon to act towards them in the capacity of officers of justice, and to maintain such relations with them as are not exactly consistent with the Indian idea of guardianship. Officers of the Indian Branch have therefore been appointed...whose whole time, and attention will be devoted to the affairs of the bands within their jurisdiction, and through whom payments will in future be made, and cattle, implements and supplies distributed.[29]

With the implementation of the civilization programme, the N.W.M.P. were to take a peripheral position. In maintaining order, the Force would support the traditional approach to Indian-White relations. This approach merged the principle of equality within the law for both Indian and White with the concept of wardship, and would further complicate the Blackfoot-Mounted Police coexistence.

(iv)

By Order-in-Council of May 30, 1879, Edgar Dewdney was appointed Indian Commissioner for the North-West.[30] His appointment confirmed the Dominion Government's decision to contend with the buffalo crisis by implementing the civilization programme promised by the treaties. Accordingly, the Indian Commissioner went immediately to the region of Treaty Number Seven in order to begin alleviating the destitution prevailing among the Blackfoot peoples. Although Commissioner Macleod saw in the civilization programme a way to sustain the cooperative Blackfoot relationship, the Goverment's predominant concern was to contain "Indian unrest" and to promote an Indian policy based on self-sufficiency, not wardship-dependency.

As a broad guideline for policy implementation, Lawrence Vankoughnet,[31] the Deputy Superintendent-General of Indian Affairs, had stated that making the Indian peoples self-supporting in as short a period as possible, would require that during the traditional instruction in farming, herding and raising cattle "the Indians /be/ encouraged by precept, and, when, necessary, by pecuniary aid to erect houses and barns." Economic self-sufficiency was the cornerstone of the civilization policy and the requisite for enfranchisement. As Vankoughnet emphasized:

> Every effort should be made to induce /the Indians/ to abandon their old habits of life and to adopt those of the White man. Their Reserves should be sub-divided into lots, and each head of a family should receive a location ticket, covering the land to which he is entitled (which land of course, as stipulated under the Treaties is non-transferable.)[32]

Only through enfranchisement would the Indian peoples be officially recognized within British-Canadian society. From this perspective, the pre-Confederation policy had taught that if equality was to be achieved, the moral obligation of wardship must center on promoting British-Canadian individualism among the native inhabitants.

The Deputy Superintendent-General's instructions to Indian Commissioner Dewdney embodied this rationale. Although relief was to be offered promptly to all Indians who were genuinely destitute, the native peoples were to understand that the Government's assistance was not a guarantee of future support. The Indian Commissioner was to stress that only the buffalo crisis warranted this intervention, and it would not be continued "after...either the reappearance of the natural food supply..," or the success of the Indians' farming efforts.[33] Furthermore, whenever possible Dewdney was to "[exact] work from [the Indians] in return for the food distributed to] themselves and their families...."[34] On this basis the Indian Commissioner was to direct the course of Indian-White relations in Treaty Number Seven area.

For the Blackfoot peoples the Dominion Government's hesitancy throughout 1878-79, in initiating the policy outlined by the Treaty, had caused them to continue to depend on the minimal subsistence provided by the irregular rationing at the N.W.M.P. posts. Just prior to Dewdney's appointment, in the spring and early summer of 1879 the majority of the "Bloods," one large band of the "Blackfeet" and some of the "North Piegans," had once again used the N.W.M.P. meagre supplies to follow the remaining buffalo herds found near the Bear Paw Mountains. The greater number of "Blackfeet," however, had remained at Blackfoot Crossing, under the leadership of Crowfoot. From Fort Macleod, Superintendent Winder of the N.W.M.P. reported that during the early summer

> messengers and deputations from Crowfoot were constantly arriving, asking assistance and reporting the dying condition, and even deaths, of many of their number from starvation...At this time (June) from 1,200 to 1,500 Indians, Bloods, Peigans and Sarcees, encamped around the Fort, were being fed, and later on as many as 7,000 men, women and children, all in a destitute condition, applied for relief; beef and flour were distributed every other day in small quantities to each family.[35]

This report articulated the discrepancy between the prevailing conditions and the representations of the Treaty, a state of affairs which Commissioner Macleod had forewarned in 1877-78.

Earlier, on March 27, Capt. C. E. Denny had received, via Jean L'Heureux, a petition from the Blackfoot peoples at the Crossing:

> The Indian Chiefs /sic/ words are, write to Major Irvine (On-Maxis-Stamis) and S.J. Denny (Kix-to-ke-Somax) that our people are starving; to help us for some of us have nothing to eat, and many of us can find none nowhere...Too many other people eat our Buffalo, Sioux and Half-breeds, and we have nothing to eat ourselves. Please write me what to say to them, also if a party of the most destitute headed by our Head Chief could come and get some assistance at Calgary.[36]

In reply, C. E. Denny had immediately sent word to Crowfoot that those who were really starving should come to Fort Calgary where they would be fed.[37] Both Capt. Denny's action, and Superintendent Winder's report, indicated the increasingly strained basis for Blackfoot-N.W.M.P. coexistence. With economic independence as the key element of their traditional cooperative interchange, the Blackfoot were now requiring the Mounted Police to accommodate their needs. Indeed, as Reverend Constantine Scollen pointedly stated in a letter of April 13, 1879, written on behalf of the Blackfoot: "Did these Indians, or do they now, understand the real nature of the treaty made between the Government and themselves in 1877? ...To the Indian mind .../the present mass starvation is/...the terrible consequences of the treaty."[38]

Indian Commissioner Dewdney's arrival in Treaty Number Seven area brought into focus the contrary Blackfoot-Dominion comprehension of the nature of Indian-White relations. En route to the southwestern corner of the Territories, the Indian Commissioner's first reaction to the buffalo crisis expressed a perception which corresponded with the Dominion Government's priorities. The Indians which Dewdney observed near Fort Peck, Montana Territory appeared "very picturesque, round lodges on the open prairie,"[39] but upon reaching Fort Walsh in the Cypress Hills, Dewdney noted:

> in the afternoon had another interview with Crees & Assiniboines satisfactory and I think they are anxious to go to work gave them some more Beef & Flour they are awful beggars, but I think they are really hungry.

Again, on July 2, 1879, the Indian Commissioner recorded: "In the evening the Assiniboines had a dance again in the Fort-- another begging arrangement."[40] As a first response, Dewdney's comment reflected British-Canadian values which saw the native peoples as inherently incapable and dependent.

On arriving at Fort Macleod two weeks later, however, Dewdney observed:

> In the afternoon saw some Indians [Bloods and Piegan] here very hungry--They told me they had sold their horses & pawned their guns to get food & now had nothing ---there is no doubt great hardship among them--....[41]

The bleak reality confronting the Blackfoot peoples had modified the Indian Commissioner's stringent attitude. Similarly, upon reaching Blackfoot Crossing on July 17, 1879, Dewdney reported that he "found about 1,300 Indians in a very destitute condition, and many on the verge of starvation. Young men who were known to be stout and hearty fellows some months ago were quite emaciated and so weak they could hardly work;....The wealthy Indians (their wealth consists of horses) had sold numbers of horses to a Mr. French for a few cups of flour each,...."[42] During an interview with the Blackfoot leaders shortly after arriving at the Crossing, the significance of the Indian Commissioner's first observations was established. As recorded, the content of the interview merged the British-Canadian perspective with the Blackfoot determination to adapt through cooperative coexistence:

> A little after 11 Crow Foot & Eagle Tail, Chief

> of the Peagans [sic] with all their Minor Chiefs assembled at a Room in Frenches -- Crow Foot promised to go to Farming and assist all he could by carrying out the Gov. wishes, he said he had kept his young men from going over the line for fear of them getting into trouble with the Americans & had also kept them from going to Fort Macleod for fear of them killing the settlers' cattle. At one time his young men were on the point of rebellion and taunted him with taking the Treaty, but as soon as he had heard that the Gov't. were sending supplies & that they were obliged to beg for food he said suppose you had not taken the Treaty & were in this poor condition how could you go and ask the Gov't. to feed you, I told you I was right and now you see it -- He [Crowfoot] said if you will drive away the Sioux & make a hole for the Buffalo to come in we won't bother you about grub, but if you don't you must feed us for we are starving.[43]

The main thrust of Crowfoot's statement was to ensure a basic subsistence while continuing to cooperate. In this manner, the Blackfoot would maintain their social and cultural integrity, and adapt through coexistence. To stress the necessity of looking beyond immediate circumstances, Crowfoot reiterated: "I will farm, this is the first time I have said it, and I mean it,....There are lots of [young men] and they will help."[44] In exchange for their essential economic needs, the Blackfoot peoples would proceed to work towards fulfilling the Dominion Government's civilization programme. The Treaty represented and justified this approach.

Instead, as with his observations of the prevailing destitution, Dewdney's notes of the interview interpreted the Blackfoot perspective as regarding the Treaty as simply legitimizing the acceptance of and demand for rations. Although the Indian Commissioner recognized that Crowfoot "spoke very sensibly,"[45] his reply adhered to Vankoughnet's instructions. Providing 39 head of cattle and 40 sacks of flour as supplies to last the Indians at Blackfoot Crossing until their treaty payments in late September, Dewdney emphasized that the N.W.M.P. officer responsible for ration distribution was to "get what work he could out of the Indians."[46]

The Indian Commissioner's response to the Blackfoot was, in part, an emergency measure. Yet, the "no work, no food" philosophy also epitomized the Dominion Government's contradictory wardship equation: over the long-term, in order to attain enfranchisement the native peoples were to gradually achieve economic self-sufficiency; but, in the short-term, to avoid nurturing a state of dependency the Indians had to be immediately self-supporting. The equation was the central focus of the Indian Act rationale and superseded the Treaty as a basis for the Indian peoples' claim to an adequate economy. Indeed, as an expression of British-Canadian individualism, the "no work, no food" philosophy meant that the Blackfoot would not have the means to fulfill the social and cultural transition envisioned by the Treaty -- whether according to the traditional civilization programme or the Blackfoot peoples' determination for co-operative coexistence.

When, on October 9, 1879, Dewdney returned to Blackfoot Crossing for the annual Treaty payments, he noted that he found Crowfoot's "camp on the right bank of the river, to all appearance,...deserted -- not an Indian /was/ to be seen and no smoke /was/ issuing from any lodge."[47] Nevertheless, during the first Council meeting Crowfoot repeated the essence of his earlier interview with the Indian Commissioner. Making no comment on the immediate crisis, but referring to the civilization programme broadly outlined by the Treaty, Crowfoot stated that "he was still of the same mind as he had been in the spring, and was anxious to settle down and farm....His Indians had been assisting the temporary instructor that /Dewdney/ had left when last there."[48] With regard to the cattle stipulated by the Treaty "he was like a blind man -- he was told he had cattle, but he never could see them,.. He could get Mr. French, a trader who had been settled on the reserve for some years, to look after them for him,...."[49] The Blackfoot leader's deputation delineated the discrepancy between the "no work, no food" ration distribution and the Blackfoot peoples' determination to maintain their social and cultural existence through cooperative coexistence.

The Indian Commissioner's reply merely covered the current circumstances. In light of traditional Indian policy, Dewdney told Crowfoot that because French was not an official Indian Affairs instructor, his assistance was not acceptable. Similarly, the immediate provision of their cattle was administratively and practically impossible. As with the shortage of rations, the Government had not anticipated the demands made by the buffalo crisis. The Indian

Commissioner, therefore, offered an alternative:

> I told [Crowfoot] we had heard with great sorrow the distress that he and so many of his Indians had undergone; that I had with me now plenty of supplies, at any rate sufficient to help them off to the buffalo; that all the other Indians had gone, and I hoped that he would induce his Indians to follow; that his brother "Three Bulls" had sent word that he would wait for him at the mouth of Bow River.[50]

To conclude the Council meeting, Dewdney suggested that he would leave shortly after the Treaty payments began the next day. The nature of the Blackfoot leader's rebuttal summarized the Blackfoot peoples' response to the Indian Commissioner's alternative:

> [Crowfoot] said, "I do not propose to be paid tomorrow; how many days' rations are you going to give us?"
> [Dewdney] said, "All the provisions we bring in shall be given to you before we return."
> "Well," [Crowfoot] said, "How many days rations do you think you have, two or three?"
> [Dewdney] said, "We have three good days rations and some over." "Well then," said [Crowfoot] "I do not wish to be paid until the day after tomorrow."[51]

The expedient, "no work, no food" ration distribution had reduced Blackfoot-Dominion relations to a state of dependency which smacked of British-Canada's conception of wardship. Despite this possible interpretation, Dewdney himself noted that, contrary to popular opinion, "on giving [the Indians] a trial at the Blackfoot Crossing, and on the Peigan Reservation, volunteers were easily obtained to help the temporary instructor...."[52] Still, the Blackfoot peoples were faced with another year of destitution. Beyond the future ramifications of a "no work, no food" philosophy, the essential issue was the Dominion Government's failure to re-adjust its priorities any further than to equate the interests of the Indian peoples with the buffalo crisis.

(v)

From the Blackfoot peoples' perspective, the "no work, no food" self-sufficiency policy and the purely expedient response to the near extinction of the buffalo had all but denied the process of adaptation through cooperative coexistence. Correspondingly, for the Mounted Police, Ottawa's adherence to its wardship rationale threatened to further undermine the balance in the N.W.M.P.-Blackfoot relationship. The limits of a coexistence resulting from the mutual benefits of British-Canadian law and order had been determined by 1877. Subsequently, the strength of the Blackfoot-Mounted Police accord had been derived from the N.W.M.P. position as liaison to the Dominion Government. Indeed, throughout the summer and early fall of 1879, entries in Clark's diary revealed the tenuous nature of this relationship:

> *September 4, 1879*.
>
> McCarter [Mekasto or "Red Crow"] ...A great Chief of the Bloods & Blackfeet Tribe was in to day [*sic*] for Grub there was six hundred of them. They were pretty well armed.
>
> *September 26, 1879*.
>
> Staff Sergt. Lauder arrived from Fort Callgaryy [*sic*] and Reports that Corpl Hay was taken by Crowfoot at the Blackfoot Crossing and kept there till Capt. Dennie [Denny] arrived from Callgarry [*sic*] and got him released.[53]

These observations reflected the deterioration in Indian-White relations and justified Commissioner Macleod's earlier argument for implementing the traditional civilization programme; only by fulfilling the policy outlined in the Treaty would the mutual benefits of the British-Canadian presence be re-established.

Indeed, at the same time as his report in December, 1878, calling for more adequate Treaty terms, Commissioner Macleod had argued several specific issues on behalf of the Blackfoot peoples. In the popular mind, prevailing conditions had greatly increased the likelihood of a rebellion among the native inhabitants in the North-West. To counter this "Indian unrest" a growing common sentiment supported the prohibition of ammunition to the Indian peoples - particularly in Treaty Number Seven where the majority of the Indians used "the winchester repeating rifle...the best arm for prairie purposes in the world...."[54] From Macleod's perspective the curtailing of ammunition supplies would unjustly assign the responsibility for the increased tension in Indian-White relations. In a letter of December 23, 1878, he stated:

> It is impossible to stop the trade of ammunition with the Indians, unless the Government make provision for their maintenance. Any attempt in this direction would be resented. An Indian's ambition is a good horse and a good rifle, with those two he can supply the wants of himself and family. We must trust them or by taking their means of gaining a livelihood away from them make them our enemies. I see no reason for distrusting them so far.[55]

Cooperative interaction would succeed more effectively in appeasing the native peoples than a revision of the law to control the situation. The absence of an adequate policy to enable the Indians' social and cultural transition required an approach which supported their economic independence.

For the Blackfoot peoples in particular, Macleod's point of view involved an additional realization. In order to avoid a complete rejection of Government authority, the seemingly mutual trust between the N.W.M.P. and the Blackfoot would have to be nurtured. At the least, this was the only way the N.W.M.P. could continue to assume an effectual role. Accordingly, in the same letter of December 23, 1878, the Commissioner had argued:

> The appointment of an Indian Agent would completely nullify the influence of the Police. A divided authority would be attended with the most serious results--they would be pitched from the Police to the Agent and from the Agent to the Police in a vacuum which would be anything but satisfactory...The Indians in the South West part of the Territories look upon the Police as their guardians and never lose an opportunity of requesting that no Agent may be sent amongst them. They very name of "Agent" is distasteful to them, on account of the well known frauds which have been perpetrated upon their kinsmen on the other side of the Line. Every officer and man of the Force has been instructed, both by my order, and example, to take the greatest interest in the Indians and at all times to treat them with the greatest kindness.[56]

On this basis Capt. C.E. Denny had responded to Crowfoot's request for assistance in March, 1879.[57] Denny's provision of rations had worked to maintain the Blackfoot-N.W.M.P. relationship, but was completely contrary to the "no work, no food" rationale of the Dominion Government. Nevertheless, convinced of the validity of, and necessity for, his directive Commissioner Macleod met with Indian Commissioner Dewdney in July, 1879.

Upon his arrival, Dewdney's first reaction to the N.W.M.P.-Blackfoot agreement had indirectly expressed the Dominion Government's priorities. He had observed that "...the police officers of the different posts had been in the habit of issuing supplies,...to the Indians for some time, and they [the Indians] thought all they had to do was to go to the forts and beg, and get what they wanted."[58] Similarly, on July 17, Dewdney had insisted that the N.W.M.P. officer responsible for ration distribution was to "get what work he could out of the Indians." Commissioner Macleod's evaluation of the Indian Commissioner's approach was revealed in the tenor of a conversation which Dewdney recorded in his daily Journal for July 24, 1879:

> after [Commissioner Macleod] had lunch we had a talk on Indian matters, he wanting to know what he should do at the several Posts in the way of issuing supplies -- we had a long and rather warm discussion & I refused to take the responsibility of giving carte blanche to all the posts to ration all the Indians. We agreed that the greatest care should be taken so as not to lead the Indians to believe that they would be fed regular rations whether they worked or not. I arranged with the [Commissioner] that he should do as had been done heretofore -- food to be issued when it was found that Indians were really starving, to those who would work & to the sick and infirm who had no friends and who could not work. We parted the best of friends after my having spoken my mind pretty fully....[59]

Dewdney's reply to the Mounted Police Commissioner articulated the limited British-Canadian comprehension of

N.W.M.P.-Blackfoot interaction. Although the Indian Commissioner's decision did not immediately replace the Mounted Police officers with Indian Agents, the "no work, no food" policy equally threatened the validity of the N.W.M.P. position in Treaty Number Seven. The Blackfoot peoples' departure for the remaining buffalo herds to the south embodied the vacuum which Macleod had foreseen.

If the N.W.M.P. were to continue to succeed in maintaining frontier stability, the imbalance in Indian-White relations would have to be actively readjusted. Commissioner Macleod's first assessment of Blackfoot-Mounted Police relations in 1874 had defined the purpose of law and order as a part of the assimilative process. Correspondingly, during an interview given shortly before the signing of Treaty Number Seven in the fall of 1877, Macleod had pointed out that "courts for the trial of offenders /were/ always held as openly as possible, in order to give the Indians every opportunity of observing that impartial justice is always meted out to all alike, without respect to race or colour...A respect for Canadian institutions is thus inculcated...."[60] This comprehension was consistent with British-Canada's preconception of Indian-White relations; orderly settlement expansion necessarily involved a gradual civilization programme for the native inhabitants. As a part of this process, Prime Minister John A. Macdonald perceived of the Mounted Police as upholding the principles and institutions of White society, separate from the

Government's duties of guardianship over the Indian peoples. Yet, by 1879, the conflict between the "no work, no food" wardship rationale and the requirements for maintaining peaceful coexistence with the Blackfoot peoples had placed the N.W.M.P. in an ambivalent position. Without the implementation of the civilization programme, as represented in the Treaty, the principle of equality, which had underlined Blackfoot respect for law and order, was seriously undermined.

Throughout the fall and winter of 1879-1880 the nature of Indian-White relations in Treaty Number Seven reflected the uncertainty resulting from the discrepancy between the Dominion Government's approach and the reality. Shortly after Indian Commissioner Dewdney's departure for the East, in November of 1879, Macleod reported the murder of Constable M. Grayburn by a Blood Indian named Starchild. Implicitly acknowledging the demise of coexistence, the N.W.M.P. Commissioner chose to see the murder as an isolated incident:

> I am confident there was nothing in the act itself to lead to the belief that the Indians have changed their feelings towards us, and that when the facts come out they will show that the atrocious crime was committed in revenge for some real or fancied injury done to the murderer or one of his family, not necessarily by a Policeman, but by some white man.[61]

Circumstances mitigated against any other response. From Macleod's perspective, the failure to more satisfactorily initiate the civilization programme obligated the Mounted

Police to cooperate and to modify the tension exacerbated by the "no work, no food" ration policy.

Despite this determination to preserve the semblance of order, and still appease potential Indian-White conflict, the Force's position did not go uncriticized. During the early spring and summer the Mounted Police had received petitions from settlers in the immediate area regarding cattle killing by the Indians. Finally, on October 2, 1879, "the inhabitants of the vicinity of Fort Macleod," questioned the N.W.M.P. on "the unequivocal protection of life and property afforded by the British flag to all those under its dominion...." The petition specified:

> The deplorable condition of Her Majesty's Indian Subjects ever since last winter in that portion of the N.W. Territory called the "Bow River District" has cuased them to commit many and serious depredations on property pertaining to White Settlers in the district and we have been the victims, but can obtain no redress here. We the undersigned can testify that we have lost upwards of 400 head of cattle all killed by the Indians, who were compelled to this by the direst want -- Buffalo their only support heretofore -- [having] suddenly disappeared from the country, and no provisions whatsoever had been made to supply their absence. The consequence of this has been the Indians killed great numbers of our cattle and when we appeal to the authority of the country for redress or protection, we are told that The Country is not open to settlement that we are only squatters and consequently must take our own chances. We are now under the necessity of driving our cattle to the American side of the line until such time as the Indian question is settled.[82]

From Commissioner Macleod's perspective, the settlers' grievance was not entirely justified. For the Blackfoot peoples, Indian Commissioner Dewdney's approach to Indian-

White relations was little more than organized destitution. Thus, the only reasonable reply was to recognize that undoubtedly the Indians had killed some cattle, "but nothing like the numbers claimed." Further, Macleod asserted that a great many cattle had probably strayed back to Montana, and an equal number, at least, must have perished in late winter storms. Cattlemen who "turned their cattle adrift on the prairies,...were themselves to blame if they lost a great many."[63]

Having failed to gain N.W.M.P. support for their interests, the settlers sent another similar letter to Ottawa on December 1, 1879. The Deputy Superintendent-General of Indian Affairs replied that official responsibility towards the native inhabitants did not include compensation "for cattle and property stolen and destroyed by Indians."[64] This response focussed British-Canada's settlement priorities. Prime Minister John A. Macdonald had long maintained that the Government would accept the responsibility for protecting settlers only in direct relation to the progress of national expansion.[65] Similarly, the application of traditional Indian policy was tied to the settlement frontier. The buffalo crisis had required an emergency ration distribution to appease "Indian unrest." This was the extent of the Government's immediate commitment to either Indian or White. For the Mounted Police this attitude meant that their position, particularly in relation to the Indian peoples, would remain ambivalent.

Indian Commissioner Dewdney's report ending 1879 was consistent with Ottawa's perspective. His interpretation of the obligation resulting from the buffalo crisis expressed the priorities attached to national growth:

> It will readily be seen, as every year our Plains Indians become more and more (and that very rapidly) dependent on the Government, how urgent the necessity is that by some means or other very large supplies must be raised in the interior of the North-West, and thus prevent complications which must inevitably follow, either for starvation or Indian wars, or such an expenditure for Indian supplies as would cripple the Government.[66]

Continuing peaceful western expansion required a recognition of the shortcomings in administering the civilization programme made evident by the close of 1879. As a part of this recognition, the Indian Commissioner's analysis repeated the accepted British-Canadian comprehension of Indian-White relations. The rapid reduction of the buffalo accentuated that in relation to the imperatives of the settlement frontier the Indians were in a state of dependence. The purpose of traditional Indian policy was to simultaneously contain potential "Indian unrest" resulting from this dependency, and to engender a new economic self-sufficiency. In this regard, the "no work, no food" ration distribution was the foundation for establishing a reservation system from which the Government could "obtain as great a return of food for the distressed Indians at as cheap rate as possible, and while raising that on the reservations themselves, give the Indians an opportunity of learning how to make their own living out of the ground."[67] In concluding his report, Dewdney recommended that temporary ration relief be incorporated into this system by giving each Indian a ration ticket. The Indian Commissioner had "known Indians to keep for years a little scrap of paper which they thought of value."[68] Even though in advance of actual frontier settlement, as a start towards implementing the civilization programme, the "no work, no food" ration distribution was justified as it emphasized self-sufficiency and reduced the likelihood of Indian-White conflict when settlers did arrive.

The Indian Commissioner's summary and recommendations for the future application of the Dominion Government's traditional civilization programme, defined the official obligation attached to Treaty Number Seven. The Treaty had outlined the social and cultural transformation envisioned by the Indian Act, and had stipulated the terms by which this transformation would be achieved. Yet, by early 1880, the Dominion Government's priorities still considered the application of the pre-Confederation Indian policy as a corollary of actual White settlement. The buffalo crisis had forced a re-scheduling, but essentially the emergency ration distribution was an extension of the appeasement policy initially carried forward by the Mounted Police. At the same time, the "no work, no food" policy emboided the wardship rationale of the 1876 Indian legislation. Although the Treaty redefined the Blackfoot peoples as wards, the main intent of the accompanying policy was to counter this state of dependency by equating wardship with its opposite, self-sufficiency. The reality of 1878-79, which made genuine self-sufficiency impossible, did little to compromise this attitude.

For the N.W.M.P. and the Blackfoot peoples the Government's adherence to its own priorities and to the wardship rationale had recreated a vacuum. Since 1874 the balance between Mounted Police law and order, and Blackfoot cooperative coexistence had succeeded, despite its limitations, in allowing a mutual interaction and adaptation. The rapid reduction of the buffalo, however, had ended the economic independence which was the cornerstone of this relationship. In 1877 the Blackfoot peoples had negotiated for a mutual recognition of Indian-White social and cultural integrity; the terms of the Treaty were the means for this coexistence. By the end of 1879, however, the Government's comprehension of the Blackfoot-Dominion agreement did not reach beyond the immediate crisis. Furthermore, the "no work, no food" ration distribution had compounded the near dissolution of the N.W.M.P.-Blackfoot accord. While consistent with British-Canada's conception of Indian-White relations, this policy did not provide the necessary basis for the Blackfoot peoples' continuing adaptation through cooperative coexistence. As a result, from the Blackfoot perspective, the principle of equal justice assumed by British-Canadian law and order, was overshadowed by the wardship rationale. Indeed, within the framework of the

Indian Act, the Blackfoot peoples' forced departure to the buffalo herds to the south made them nomadic wards. Thus, the nature of Treaty Number Seven was the result of the Dominion's priorities for national expansion, and conception of Indian-White relations. These two factors would continue to determine how the Blackfoot peoples' determination for cooperative coexistence would be interpreted and circumscribed.

FOOTNOTES:

[1] Winnipeg Daily Free Press, October 23, 1877. See also footnote 84 in Chapter four of this thesis.

[2] Canada. Sessional Papers, 1878, Volume VIII, Number ~~10~~, Annual Report of the Department of the Interior, 1877, p. XVII.

[3] The Hon. Alexander Morris, P. C., The Treaties of Canada with the Indians of Manitoba and the North-West Territories (Toronto: Belford, Clarke, & Co., 1881), p. 245.

[4] Ibid., p. 257.

[5] Ibid., p. 258.

[6] Chapter II, this thesis, pp. 21-22. Lieutenant-Governor Laird's argument echoes that of Mr. Justice Macaulay in 1839.

[7] Canada. Sessional Papers, 1875, Volume VII, Number 8, Annual Report of the Department of the Interior, 1874, pp. 5-6.

[8] Canada. Sessional Papers, 1876, Volume VII, Number 11, Annual Report of the Department of the Interior, 1875, pp. xii-xiii.

[9] Canada. Debates of the House of Commons, March 2, 1876, pp. 342-343.

[10] Chapter II, this thesis, pp. 19-20.

[11] See footnote 6, this chapter.

[12] Canada. Sessional Papers, 1874, Volume VI, Number 17, Annual Report of the Department of the Interior, 1873, p. 5.

FOOTNOTES continued:

[13] 39 Victoria (1876) Cap. 18 (Canada) An Act to Amend and Consolidate the Laws Respecting Indians (The Indian Act, 1876) as cited in Derek G. Smith (ed.), *Canadian Indians and the Law: Selected Documents, 1763-1972*, pp. 111-114, Sections 86-94.

[14] Canada. *Sessional Papers*, 1879, Volume VI, Number 7, Report of the Indian Branch of the Department of the Interior, 1878, p. 65. This quotation is the concluding statement of a letter written by Laird, dated 11th November, 1878, Battleford, N.W.T. The Lieutenant-Governor's preceeding comments reiterated British-Canada's traditional concern with promoting invidiual land ownership and the cultural assimilation of the native peoples. Regarding the North West Territories, Laird was opposed to extending the system of reservations with municipal government to the newly acquired region. Indeed, in order to prevent the perpetuation of large Indian reservations the Lieutenant-Governor preferred that "each Indian head of family should receive non-transferable script, or the right to locate on a certain quantity of land in any tract open for settlement. [The Indians] would thus be able to settle down in two's [sic] and threes by the side of fishing lakes, or amid some settlement of Whites where they could get work, and also enjoy the fruits of their industry on their own holdings."

[15] P.A.C. RG 18 B3, Vol. 47, McLeod to the Hon. R. W. Scott, May 4, 1878, as cited in J. L. Taylor, "Development of an Indian Policy," p. 241.

[16] Annual Report of the North-West Mounted Police, 1878, p. 23.

[17] *Ibid.*, pp. 22-23.

[18] *Ibid.*, p. 22.

[19] *Ibid.*, p. 21.

[20] Annual Report of the N.W.M.P., 1879, p. 4.

[21] *Ibid.*

FOOTNOTES continued:

[22] Canada. Sessional Papers, 1878, Volume VIII, Number 10, Annual Report of the Department of the Interior, 1877, p. xv.

[23] RG 10 Vol. 3664 (no file number) Laird to Minister of the Interior, April 17, 1878.

[24] Ibid.

[25] Canada. Debates of the House of Commons, May 1, 1879, p. 1685.

[26] Ibid.

[27] Ibid.

[28] Canada. Debates of the House of Commons, May 1, 1879, p. 1688.

[29] Canada. Sessional Papers, 1880, Volume III, Number 4, Annual Report of the Department of the Interior, 1879, p. xxii.

[30] Canada. Sessional Papers, 1880, Volume III, Number 4, Annual Report of the Department of the Interior, 1879, p. xii. For the administrative context of Dewdney's appointment, see: Noel Evan Dyck, "The Administration of Federal Indian Aid in the North-West Territories, 1879-1885" (unpublished M.A. thesis, Department of History, University of Saskatchewan, 1970), Chapter II; J. D. Leighton, "The Development of Federal Indian Policy in Canada, 1840-1890" (unpublished Ph.d. thesis, Department of History, University of Western Ontario, 1968), pages 342-347.

[31] For greater detail concerning Deputy Superintendent-General Vankoughnet's administration of Indian Affairs, see J. D. Leighton, "The Development of Federal Indian Policy in Canada, 1840-1890," pp. 320-352, 387-393.

[32] Canada. Sessional Papers, 1879, Volume VI, Number 7, Annual Report of the Department of the Interior, 1879, p. xii.

FOOTNOTES continued:

[33] Canada. Sessional Papers, 1880, Volume III, Number 4, Annual Report of the Department of the Interior, 1879, p. xii.

[34] Ibid.

[35] Annual Report of the N.W.M.P., 1879, p. 9.

[36] RG 10 Vol. 3695/14924, Jean L'Heureux to C. E. Denny, at Fort Calgary, March 27, 1879.

[37] Ibid., C. E. Denny to Irvine, April 10, 1879.

[38] Ibid., Fort Macleod, April 13, 1879, letter from Reverend Constantine Scollen.

[39] Glenbow-Alberta Institute, Dewdney Papers, Volume IV, "Journal 1879, Trip through North West," June 2, 1879, p. 1050.

[40] Ibid., July 2, 1879, pp. 1050-51.

[41] Ibid., July 14, 1879, p. 1054.

[42] Canada. Sessional Papers, 1880, Volume III, Number 4, Annual Report of the Department of the Interior, 1879, p. 78.

[43] GAI, Dewdney Papers, Volume IV, "Journal 1879, Trip Through North West," p. 1056.

[44] Canada. Sessional Papers, 1880, Volume III, Number 4, Annual Report of the Department of the Interior, 1879, p. 79.

[45] GAI, Dewdney Papers, Volume IV, "Journal 1879, Trip Through North West," p. 1056.

[46] Canada. Sessional Papers, 1880, Volume III, Number 4, Annual Report of the Indian Branch of the Department of the Interior, 1879, p. 83.

FOOTNOTES continued:

[47] Canada. Sessional Papers, 1880, Volume III, Number 4, Annual Report of the Department of the Interior, 1879, p. 90.

[48] Ibid., p. 91.

[49] Ibid. The Piegan received their Treaty cattle in 1880, while the majority of the Blackfoot and Blood were still south of the border. See: Canada. Sessional Papers, 1881, Vol. III, No. 14, p. 80, and 1882, Vol. V, No. 6, p. 117. In 1883 most of the cattle were sold as the majority of the Blackfoot peoples preferred not to accept them. See Appendix, Governor-General's Interview with the Blackfoot peoples in 1881. In addition, in 1880, Indian Commissioner Dewdney had stated:

> I have instructed the agents to notify the Indians, that as their cattle are given them by the Government in order that they might raise their own meat, any family killing them will be debarred from any further assistance from the Government.

See: Canada. Sessional Papers, 1881, Vol. III, No. 14, p. 80. This policy, when combined with the starvation facing the Blackfoot peoples, partially explains the Blackfoot attitude as expressed during the interview with the Governor-General in 1881.

[50] Ibid.

[51] Ibid., p. 92.

[52] Ibid., p. 97.

[53] GAI, Simon John Clarke, "Diary of N.W.M.P. experiences in N.W.T., 1876-1886." See Appendix.

[54] RG 10 Vol. 3668/10490, Letter from Edwin Allen, November 11, 1878.

[55] Ibid., Letter to Lieutenant Col. Dennis from Commissioner James F. Macleod, Remarks upon Mr. Allen's Letter, December 23, 1878.

[56] Ibid.

FOOTNOTES continued:

[57] See page 20 of this Chapter.

[58] Canada. Sessional Papers, 1880, Volume III, Number 4, Annual Report of the Department of the Interior, 1879, p. 82.

[59] GAI, Dewdney Papers, Volume IV, "Journal 1879, Trip Through North West," p. 1057.

[60] As cited in the Winnipeg Daily Free Press, June 1, 1877.

[61] Annual Report of the N.W.M.P., 1879, p. 6. For a more detailed account of the Starchild incident see: Sir Cecil E. Denny, The Law Marches West (Toronto: J. M. Dent and Sons (Canada) Ltd., 1939), pp. 141-142; Col. S. B. Steele, Forty Years in Canada (New York: Dodd, Mead & Company, 1915), p. 151; John Jennings, "The Plains Indians and the Law," in Hugh A. Dempsey (ed.) Men in Scarlet (Calgary: McClelland and Stewart West, 1974), pp. 59-61.

[62] RG 10 Vol. 3700/16798, To the Minister of the Interior.

[63] Annual Report of the N.W.M.P., 1879, pp. 3-4.

[64] RG 10 Vol. 3700/16798, To Messrs. John B. Smith, W. A. Rutherford & Others, Fort Macleod, N.W.T., from L. Vankoughnet, April 3, 1880.

[65] See Chapter III, this thesis.

[66] Canada. Sessional Papers, 1880, Volume III, Number 4, Annual Report of the Indian Branch of the Department of the Interior, 1879, p. 100.

[67] Ibid., pp. 99-100.

[68] Ibid., p. 101.

CHAPTER VI

Treaty Number Seven:

1881 - 1884

With the return of the Blackfoot peoples from Montana Territory in 1881, the nature and intent of Treaty Number Seven once more became an issue. As an expression of their determination to adapt through cooperative coexistence, the Blackfoot negotiated to establish the civilization programme, outlined in the Treaty, as the practical basis for Dominion-Blackfoot relations. Instead, the Dominion Government persisted in circumscribing its application of policy according to the priorities of national expansion and its traditional conception of Indian-White relations. Throughout 1882-83, in particular, this meant that the "no work, no food" ration policy was used to appease and contain the Blackfoot peoples' while the Canadian Pacific Railway was built through their reservation.

As an essential element of the Dominion Government's approach, the North-West Mounted Police assumed their official duty of controlling "Indian unrest." For the Blackfoot peoples this response meant that their demands for terms which would enable cooperative coexistence were interpreted as confrontation. Further, the Government's refusal to reconsider the long-term implications of its policy placed the Blackfoot in the quandary of the wardship rationale. The "no work, no food" ration policy did not ensure economic independence whether according to the principles of the Indian Act or the Blackfoot peoples' concept of cooperative coexistence.

(i)

Out of necessity, until 1881 the majority of the Blackfoot peoples had remained in Montana Territory hunting the few remaining buffalo herds; their presence on American soil reflected the social and cultural vacuum resulting from the buffalo crisis and from Indian Commissioner Dewdney's own expedient recommendation in the fall of 1879. As the Indian Commissioner summarized in his report for 1881:

> I reported in 1879, that a large number of the 'Blackfeet' and 'Bloods' went south to hunt the buffalo.
>
> Most of these remained in American territory until this summer; prior to their leaving they had been living on buffalo and were still in their wild uncivilized state; they had realized the beneficial results of the advent of the Mounted Police and the stamping out of the whiskey traffic, and had we been in a position, at that time, to keep them on their reserves, I am sure they would now have been much more contented than they are;....
>
> While on the American side they had a good hunt, and had the whiskey traders kept away from them they might have returned in better circumstances than when they left; as it was, they were followed by the lowest class of thieves and whiskey traders who in exchanging for robes, supplied the Indians with horses, then made them drunk, and while in that state drove their horses off, it was on finding themselves on foot that they commenced stealing from each other, from American Indians, and, to some extent, from the whites. Complaints were made to the Government at Washington, that the British Indians were killing cattle, and there was some excitement among the cattle men....But, from information received on the Missouri River, I am satisfied that the loss sustained by the cattle men was not as large as was represented, and that the severe weather had more to do with it than had the Indians.

> Our Indians are in this position: the Indian traders on the Missouri hold out great inducements to them to go south and hunt, and to this end feed the chiefs, while the United States Government instruct the military to drive them back, should they come south across the boundary.[1]

Dewdney's closing comment focussed on the net result of Blackfoot-Dominion relations since the signing of the Treaty. As the one alternative to the Government's emergency "no work, no food" ration policy, the Blackfoot peoples' consequent nomadism had placed them outside the Dominion's jurisdiction. This invalidated their protected status as wards of Treaty Number Seven. In the late spring and early summer of 1881, therefore, the political ramifications of their ambiguous position, coupled with the continuing depletion of the buffalo, caused the Blackfoot peoples to return to the reservations stipulated in 1877.

A large number of Blood under Chief Red Crow had already returned during the previous fall to renegotiate their reservation allotted by the Treaty,[2] and to settle down permanently to an agricultural existence. Similarly, in the spring of 1880 the Piegan also had begun to farm their reserve. Reporting on these first endeavours, Indian Agent Norman T. Macleod had noted that on both reserves the Indians had immediately built houses, started to clear the land, "[evinced] a great willingness to lear and [were] not disinclined to work if kindly managed."[3] In his annual report Indian Commissioner Dewdney seconded these observations. He stressed that "[the Blackfoot], hitherto supposed to be averse to agriculture, have all shown such a disposition to work, that I believe in a few years they will be independent of the Government, if properly assisted and instructed in agriculture."[4] Dewdney's assertion was part of a growing acceptance of the extinction of the buffalo. In fact, at present the country to the south was "entirely destitute of small game.../leaving/ the Blackfeet...utterly without any resources."[5] As a result, the "no work, no food" ration policy would have to be extended to encompass British-Canada's traditional Indian policy. Upon their arrival, the majority of the Blackfoot peoples also took this stand. Affirming the preliminary activities of the Blood and Piegan, the Blackfoot leaders petitioned the Dominion Government.

The Governor-General's tour of the North-West Territories in late August, 1881, provided the occasion for the Blackfoot deputation. Indeed, throughout the summer a concerted movement among the Plains Indians, generally, had argued for a renegotiation of the terms of the treaties to meet the requirements of an agricultural existence.[6] With the Governor-General's arrival, the Blackfoot leadership claimed the opportunity to express their desire to maintain their social and cultural integrity while developing an agrarian economy. Accordingly, Chief Red Crow addressed the Governor-General at Fort Macleod:

> Great Chief who has come into this Country take pity on us -- God take pity. Do you take pity? I am glad to see you come -- Chiefs old people and children glad to see you and by your coming hope to get a living...I hope you will have a good heart and we will find good living from it. The ground is good. All the Indians young and old are behaving well....[7]

As translated, Red Crow's introductory comment underlined the moral obligation intrinsic to Blackfoot-Dominion coexistence.

The assembled chiefs then insisted on the basic necessities which must be provided if their people were to continue to adjust to rapidly changing conditions. Although their proposals reflected the past two years of hardship, the Blackfoot leaders reasserted their initial liaison with the N.W.M.P. and repeated their terms of 1877 -- lumber, adequate housing, implements and subsistence rations:

Eagle Tail (Piegan):

> I have not much to say. Our Great Mother is a long way off and Colonel Macleod and Colonel Irvine came and brought her words and I have believed all they say -- While I wear the medal I would not do anything wrong. When the water ceases running from the river then cease from giving us anything. I have been living off the beef and flour and hope I shall get all farming implements and carpenters tools and I hope you will come and see my buildings ---No White man helpt me to build them. I hope our Great Mother will have pity and let me go after the buffalo. I get more money by the buffalo but I won't go unless I have leave. Mr. Dewdney is the first who came and shewed me how to raise vegetables for food, I hope all the Piegans, Blackfeet, and Bloods will get more it will be a long time before we shall be as white man,....

Emphasizing his intention to carry on his efforts to meet the transition outlined by the Treaty, Eagle Tail requested the basic meants to achieve economic independence. The initial provision of tools and implements would signify the Dominion Government's mutual recognition of the Blackfoot homeland. Similarly, Running Wolf and Morning Plume argued for a cooperative interchange between Blackfoot and White which would benefit both. The Governor-General's replies reflected the British-Canadian preconception which equated the native inhabitants with the condition of wardship.

Running Wolf:

> I shall talk Gods word. I shall tell the truth like the Great Mother. I am very poor in my clothing look at them this is from working. I tear them. We have not put much seed in but I hope for more seed next year -- I should like a saw mill to make lumber & fit up our house...I have always worked hard, and I have listened and tried to follow all the Great Mother has told to us. When we heard when you were coming they asked us to come & sweep up round Col. McLeod's quarters & we came....
>
> Col.McLeod is going to stop with us till he becomes an old man & our Instructor also.
>
> Please take pity for we are still sleeping on the ground, for we want lumber to make Flooring & other things.

His Excellency:

> He must use a whip saw for the present. They can get lumber down the stream.

Running Wolf:

> The [treaty] money I receive I spend on my house and have none left for clothing.

Morning Plume:

> Take pity on us and give us ground. We hope we may use all the timber and ground, white men and ourselves I hope will all live happily together and not have quarrels. Brother in Law I hope you will tell everything to our Great Mother...We will always get the yearly money promised in the treaty as long as water runs --- for the Government never break their promise. I hope we shall receive tools and implements for we have none on our reservation.

His Excellency:

> I am very glad to hear you are doing so well and all those who work and are doing well will be helped.

Morning Plume:

> Well take pity on us and I hope we shall have the wagon promised us.

His Excellency:

> Some wagons will be given to the Agent for the use of those who work.

Morning Plume:

> Well my people try and work and we try to do our Great Mother tells us -- and if we get wagons we can work --...We are all great friends of Col. Macleod's.[9]

The Governor-General's responses expressed the same rationale which had guided the "no work, no food" ration policy. British-Canadian individualism demanded labour in return for economic assistance. This approach implicitly defined the Blackfoot peoples as dependents, irrespective of their territorial sovereignty. Moreover, as wards of the Dominion Government, their active participation in developing agriculture initially did not ensure individual ownership of either implements or land. Indeed, this attitude interpreted the Blackfoot demands for treaty terms, which would enable economic independence, as expressions of wardship.

The Governor-General's address did not limit itself to expressing the traditional conception of Indian-White relations. Considering the question of Canadian-

American relations already raised in Indian Commissioner Dewdney's 1881 report, the Governor-General instructed the assembled Blackfoot:

> I must now give [the Blood and the Piegan] all the same advice that I gave to the Blackfeet at the Crossing to remain in their own country unless Mr. Dewdney advises them to go -- Now listen to my words. In the South across the line bad whiskey is sold to you....We cannot protect you if you go there. The Great Mother wishes to protect all her children but can only do so in her own country.
>
> In consequence of what happened on the last occasion when the Blackfeet crossed the line the Great Father complained to the Great Mother of their doings. I shall in time find out who was in the wrong -- But we can always protect you when you are with us -- That it is for your own good I give you this advice.[10]

In conclusion, the Governor-General stressed that he was "very glad that the Blackfeet, Bloods, Piegans [had] such good Chiefs....[He would] hold them responsible for the good conduct of their young men."[11] This expectation that the chiefs were invested with the power necessary to control the movement of the "young men" was inapplicable within Blackfoot society. The position of chief was neither hereditary nor elective, but rested upon popularity and the continuing consent of his followers. Correspondingly, to have achieved the necessary influence to be regarded as a chief, young men had to seek social distinction -- traditionally, a primary means was success in horse raiding against enemy peoples, whether north or south of the Canada-United States boundary.[12] Thus, the Governor-General's expectation of the Blackfoot leaders controlling the "young men" demanded an inversion of the values and traditions which partially maintained Blackfoot social structure.

For the Blackfoot peoples, therefore, the social and cultural ramifications of putting an end to the southward migration involved more than Canadian jurisdiction over wards of the Government. Indeed, the capacity of the Blackfoot leaders to accommodate to these new demands hinged on attaining the means to consolidate and to reconstruct their way of life. This was the reasoning behind Big Swan's reply to the Governor-General's instructions regarding movement across the boundary:

> Big Swan:
>
> I hope we shall not have trouble with white men on our reservation & I hope we can go off our reservation when we like.
>
> His Excellency:
>
> If they behave themselves they are allowed to go when they like, but he hopes they will not leave the country.
>
> Big Swan:
>
> We have food & houses on our reservation & we have no intention of leaving -- If we want to go across the boundary it is our intention to return as soon as possible.
>
> His Excellency:
>
> It will be better to remain on this side and if they go to the other side they get whiskey & quarrel & troubles are the result.
>
> Big Swan:
>
> Our object is only to visit quietly.[13]

Big Swan's closing comment referred to the arbitrary division of the Blood from the South Piegan caused by the forty-ninth parallel. Yet his over-all intent was to point out that if the Blackfoot were provided with the necessary technology for developing a different economy, the transition towards a new way of life would gradually redirect inter-tribal activity. If the new conditions accommmodated the Blackfoot "respect for the right of the individual to own and to accumulate property," the questions of social control, political cohesion and cultural integrity would be partially answered.

Not realizing the complexities of the situation facing the Blackfoot leaders, the Governor-General proceeded to complete the interview:

> I am very glad to hear what you have said. I heard Crowfoot & Blackfoot Chiefs speak at the Crossing & now I have heard the Blood & Piegans. I heard at the Crossing the same as I hear from you that you like the Mounted Police. They are right in this for the Mounted Police are their best friends. Their Officers are representatives of the Queen & have always shewn love to her red children....I have observed among the Indians an idea that I had come to change treaties -- I have not done so. I have come to see that the treaties are well kept & that the Government will always keep treaties and promises. Presents will be given beyond those promised by treaty and to Indians who work. No one wishes to prevent them from hunting buffalo in their own country, enough should be left on the reserve however to do the work. The reason of [sic] this is because we cannot depend on the buffalo,....Land is like treaty money it is always there & can be depended upon. The money is in the treaty and will be his forever and I shall tell the great Mother the great pleasure with which I have found they are using the land --- I want to see all Indian families in houses so that they may not suffer cold....Now before I go I want to give you a feast of fresh meat flour tea sugar & tobacco for I want you all to be happy while I am here. Clothing will also be given and the Chiefs will be given print[14] and cloth which they are to give to the women....

The Governor-General's concluding statement embodied the Dominion Government's primary concern. The traditional approach to Indian policy required that the native inhabitants be taught the essential work ethic. Thus, at the end of the interview, the Government still equated Treaty Number Seven with official wardship. At the same time, immediate circumstances called for a re-establishment of the Canadian-American accord and peaceful Indian-White relations. This attitude meant that the Blackfoot peoples' deputation, as well as their first attempts to farm, were reduced to Ottawa's own priorities and preconceived Indian policy.

(ii)

From Indian Commissioner Dewdney's perspective, the Governor-General's visit had been "very opportune" as it immediately dispelled all notions that the treaties were renegotiable. Rather than sanctioning the Indian peoples' terms, the Governor-General had informed them that he was aware of their requirements and "would talk with his council and recommend that /the Indians/ get more." Dewdney supported this approach as he himself noted that "the number of cattle and implements promised by the treaty /was/ insufficient."[15] The necessary implements to farm the land, however, could be distributed on the same "no work, no food" basis which had governed ration distribution since the buffalo crisis.

While the majority of the Blackfoot peoples were still in Montana Territory, the Debates aired in the House of Commons had indicated the basic point of view which would continue to direct the implementation of Indian policy. The Debate on Supply in April of 1880 once again expressed the Government's conception of its role as guardian of the native inhabitants of the Territories. Echoing criticisms set down by David Laird in 1876,[16] David Mills and Edward Blake, both Members of the Opposition, questioned the long-term implications of promoting Indian policy which perpetuated the condition of wardship. Not directly arguing the initial necessity of legal guardianship, both politicians focussed on the social and financial ramifications which the traditional Indian policy created for the future of British-Canadian society. Looking at the condition of the Indian peoples in the older Provinces, Mills asserted that the present system tended "to make the Indians a dependent population" who look to the "community for their support." The social impact of denying Indians the legal capacity to conduct their own affairs, of protecting them from "meeting their obligations, particularly contracts for necessaries with the white population," had demoralized the Indians and placed them "in a worse, instead of in a better position." As a result, Mills concluded, he did "not know a settlement in those Provinces where the Indians do not stand in antagonism to the white population; they are certainly not a favourite class with the people in their immediate neighborhood."[17]

Edward Blake extended the logic of this rationale, maintaining that the question of wardship was one of direct relevance to the future course of Indian-White interaction in the Territories, and, more specifically, to the immediate implementation of policy. Declaring that "there is really a very grave question, both socially and financially, as to the Indians of the North-West,.," Blake had pointed out that with "their food supplies, as hunters...diminishing yearly and rapidly, the Government was faced with the prospect of providing annually the same expenditure of $1,000,000 as had been estimated for the current year." Moreover, a yearly allocation would give the impression that the Government was "training the Indians to look to [it] for aid." Expanding on this idea, Blake continued:

> They know that to this wealthy Dominion, if the buffalo does not arrive, they are to look, to supply the food which they would obtain if the herds of buffalo were accessible, and that impression will grow...I think it is not too late to endeavour to retrace our steps, and at the earliest moment to implant in the minds of the Indians a spirit of independence and responsibility -- to endeavour,...to point out to them the opportunities open to them for earning a livelihood in other ways, and substituting that for the spirit of reliance upon the Government. At present they believe that if they fail in their endeavours to get their own living, there is an inexhaustible fund from which the Great Mother will supply them with food.[18]

Blake's concern with promoting individualism among the native inhabitants of the Territories merged the political and economic pressure which increasingly would influence policy decisions, with the accepted comprehension of Indian-White relations. Prime Minister John A. Macdonald's response was, therefore, of equal significance for the future course of Indian-White interaction in the Territories:

> The whites think the Indians get too much and the Indians do not think they get enough. Government have to hold the balance and see that the Indian is protected. In fact, Government is the guardian of the Indians. It is quite true, as has been said, that the Indians are too apt to throw themselves upon the Government, and the more they receive the less self-reliant they will be. It is a choice of two evils. We cannot allow them to starve, and we cannot make them white men. All we can do is to endeavour to induce them to abandon their nomadic habits, and settle down and cultivate the soil.[19]

The Prime Minister's reply saw the situation facing the native peoples of the North-West as an extension of the Eastern Canadian experience. Accordingly, he expressed an attitude of resignation which was, and would be, as much an element of the Government's Indian policy as the persistent ideal of enfranchisement. Rather than proposing a solution, the Prime Minister's statement made the condition of wardship an explanation for contemporary Indian-White relations. This perspective incorporated the central issue of Blake's argument, the tension between a policy which perpetuated among the Indians a state of economic and social dependence and the Government's own current financial priorities. As a result, the philosophy behind the "no work, no food: ration policy would remain the essence of the Government's treaties with the Indian peoples; the underlying principle of self-help justified the wardship rationale, as well as the Government's economic priorities.

In a letter of June 24, 1881, the Deputy Superintendent-General of Indian Affairs, Lawrence Vankoughnet, set down in broad outline the terms which would mesh the Government's perspective with policy implementation in the Territories. Vankoughnet's preliminary thoughts started with a general acceptance of Indian Commissioner Dewdney's report of 1880. He noted that there was little chance of the buffalo herds returning in large numbers and a corresponding likelihood that American soldiers and Indians would prevent the Blackfoot peoples from remaining south of the border. Both of these factors meant that the native inhabitants would have to be fed, otherwise they would "help themselves to the Settlers' cattle and supplies." At the least, this would retard the settlement of the country, if not promote open conflict. The distribution of rations, therefore, until the Indian peoples would "raise sufficient to support themselves," would contain the situation.

Expanding on this assessment, the Deputy Superintendent-General clarified how the "no work, no food" approach towards Indian-White relations would be the social and cultural underpinning of national expansion. Prefacing his instructions with the observation that there was "no good reason why the Indians cannot be taught to make the [railway] ties as well as whitemen," Vankoughnet incorporated a central element of Sir John A. Macdonald's national policy -- the Canadian Pacific Railway:

> during the Winter Months there will, of course, be no work for [the Indians] on their farms and, apart from any monetary consideration, it will certainly be better for the Indians to be employed than to remain idle about the Reserves and Mounted Police Stations; and by dividing them into working

> gangs in the manner proposed, they will be much more easily managed than in large bodies on their Reserves -- able bodied Indians refusing to work should only be given half-rations for themselves and families;...In the case of Indians so situated that they cannot be employed in cutting Railway Road ties, if there are fishing lakes or rivers in the vicinity, nets and other fishing tackle should be given them, and they should under the supervision of competent and reliable overseers be required to catch fish for their support.[20]

This scheme followed guidelines which were both politically and financially acceptable to the Government, if not British-Canada in general. The Prime Minister's "choice between two evils" would be accomplished: the Whites would not think the Indians were receiving too much, while the Indian peoples would not be allowed to starve. Also, as an extension of Ottawa's expedient response to the native inhabitants of the North-West, Vankoughnet's emphasis on appeasing and containing the Indians carried forward the vital issue
7 of peaceful expansion. The immediate purpose of the "no work, no food" ration policy was more to maintain a degree of control over Indian-White interaction, than to provide a foundation for British-Canada's traditional civilization programme.

The Deputy Superintendent-General's determination to enable western development, while controlling the potential opposition of the native peoples, was particularly significant to the Blackfoot. As Vankoughnet's statement indicated, this priority officially ended the cooperative Blackfoot-N.W.M.P. ration policy which had evolved during the buffalo crisis of 1879. Furthermore, in his annual report of 1880, the new Commissioner of the N.W.M.P., Colonel A. G. Irvine, supported the Deputy Superintendent-General's plan. The Commissioner suggested that with regard to the country's future settlement, the Force's headquarters should be located "where the various Indian tribes could best be controlled from; and lastly, where the presence of the police would further the advancement of civilization, and at the same time aid materially the Indian Department in the successful adoption and carrying out of the policy of the Government."[21] From this perspective, Irvine considered the imminent return of the Blackfoot peoples as underlining the necessity of containment: "This population, too, will irrespective of the aid received from Government, be a starving one, a dangerous class requiring power, as well as care, in handling."[22] In light of the advancement of civilization, "an increase of the Force [was] necessary...."[23] The reservation system would work to control the native peoples, as well as promote enfranchisement.

Commissioner Irvine's perception of the N.W.M.P. as an adjunct to the expansion and progress of British-Canada displaced his predecessor, Commissioner Macleod's, argument in 1879 against strict adherence to the "no work, no food" principle. Macleod had recognized that both the insufficient Treaty terms and the problem of maintaining law and order as the basis for containment of Indian-White interaction, called for accommodating the ration policy;

otherwise the drive to promote individualism among the Indian peoples would create a situation of injustice.[24] Instead, Commissioner Irvine's support of the Department of Indian Affair's policy meant that for the native inhabitants the principles of justice would be joined with the "no work, no food" ration policy. This attitude was insensitive to the intent behind the preliminary farming efforts by the Blood and Peigan, and the 1881 deputation by the Blackfoot leaders.

(iii)

Events at Blackfoot Crossing following the interview with the Governor-General in August of 1881, made apparent to the Blackfoot peoples the reality of the official conception of Indian-White relations. On September 22, 1881, Farming Instructor John Lauder, on behalf of Crowfoot, had forwarded the following petition to the Governor-General:

> My body is weak and not being able to go myself I send words of friendship, let my words not return empty, let me have news what will pass there, let the news come by the right channel so there will be no doubt by our Instructor and the chiefs. Take pity on my people who have not received their /treaty/ payments. May it please His Excellency to leave a paper here of the alteration of the Treaty, that we may show all the chiefs have agreed to my word. May none of my words be offensive for I mean friendship and no offence. These are important words I send now which relate to my stopping on the river, I find it impossible to remain as I am now. I wish to be spread out on all the good parts of the river. It is important that I should know now, so we could make preparation settlement, by being crowded we will spoil our own work, This is a serious thing as we intend to settle down for good, and we want to know now to make our preparation thereoff /sic/.

> We want plenty of land, so we will have large crops. I told the Commissioner at the first treaty [1877] my word with regard to Settlement. If His Excellency visits us in our own lodges he would see how poor I am. I am shaking hands with him so he will take pity on us. There will be great rejoicing at the crossing when the good news and help comes. I want the Instructor to receive presents for us: May it please the Governor to make a few more Chiefs so that they can keep order among our young men.[25]

Crowfoot's request for official recognition of additional chiefs was part of his cooperative response to the Governor-General's desire for peaceful Canadian-American relations. Similarly, the Blackfoot leader's wish to relocate his people along the river bottom was a practical requirement if the Blackfoot were to have any success in farming. In 1877, Lieutenant-Governor Laird himself had noted that "the country on the upper part of the Bow River is better adapted for settlement than most of that included in the Blackfeet reserve:...."[26]

Indian Commissioner Dewdney's reply repeated the position taken by the Governor-General during his interview with the Blood. The Government had no intention of altering the Treaty. Rather, "the Government wished the families in his Band to settle on different parts of his Reserve and cultivate fields of their own, no more Chiefs could be made."[27] This last statement referred indirectly to already determined details for implementing the "no work, no food" ration policy. In the same letter of June 24, 1881, in which Vankoughnet had merged the reservation system with the Dominion's national priority, the

Canadian Pacific Railway, the Deputy Superintendent - General had specified the financial basis of the ration policy. Dewdney " was to make contracts of such a nature that while the contractors would be obliged to keep in stock sufficient quantities to meet if necessary the maximum of [his]...requisition, the Department would only draw the supplies as they were required;...." The Department would only pay for those supplies which were required "from time to time."[28] Further, on June 27, 1881, Vankoughnet had recommended to the Privy Council "that only two-thirds of the quantities estimated for Forts Walsh and McLeod be now contracted for and that contractors be notified that possibly one third as much more will be required before the 30th April next [1882], and efforts should be made to induce them to keep sufficient supplies available to meet the demand if made."[29] On this piecemeal foundation the Indian Commissioner was to initiate the reservation system. The subsequent Blackfoot attempts to renegotiate for Treaty terms which would enable social and cultural adaptation were irrelevant to this approach.

In the late spring of 1881 Dewdney had also estimated the exact quantity of supplies required for the "no work, no food" programme. Based on reports received from Agency Inspector T. P. Wadsworth, the Indian Commissioner had suggested that the Government's proposed expenditure allow for a per capita ration of 3/4 lb. Flour and 1/3 lb. Bacon. Dewdney believed that these quantities would be adequate to appease the Indian peoples and to promote the development of farming.[30] Yet, the impact of this decision by the late fall of 1881 already had been forewarned by Wadsworth.

The Agency Inspector had advised Dewdney that the Government's economic interests could be met by reducing the per capita ration to 3/4 lb. flour and 3/4 lb. beef. This would prove "a greater saving than by giving a full ration for 1 lb. each of beef and Flour, to adults, and only half a ration for children under 10 years of age."[31] But, on considering the imminent arrival of the Blackfoot, Wadsworth had also cautioned:

> as the Ration now being used is so nearly down to "bed rock" the less change we make at this time the better, to let things run in a grove [sic], the old hands will continue along as they have been, and the new comers will slide into it without knowing it....The difference between what they are now receiving and what they could (probably) be brought down to, would be so very trifling, it will at this time be hardly worth the risk--If we put the new comers upon half rations they will never settle to work; there is absolutely no game or other resource for an Indian here in the South to honestly get food -- except what the Gov't. gives him....
>
> I cannot without receiving most positive orders venture to make the change - we might just as well shut down altogether; as it is, the new comers are quietly going to their Reservations and falling into the grove [sic], and emulating the old hands by pitching into work like good fellows.[32]

Ignoring Wadsworth's warning, Indian Commissioner Dewdney had proposed his per capita allotment and had concluded with a suggestion for even greater economic self-sufficiency. He noted that: "various farms and reservations in Treaty 7 will yield a return of vegetables this Fall sufficient to ration the Indians during two months of the year and provide enough seed for next springs [sic] operations."[33]

Throughout the summer and early fall of 1881, Indian Agent N. T. Macleod's reports indicated the applicability of Dewdney's recommendations. Commenting on the Blood, Agent Macleod had noted that "the [Indians had] erected houses, cultivated gardens, and worked admirably, for Indians, who up to that time, had done nothing in the way of agriculture." He went on to point out:

> The proceeds of their crops would have found them seed for this spring and helped them to get through the winter, had not the remainder of the band returned in the middle of the summer and pitched their lodges in the close vicinity of the gardens and houses of those who were settled, and, as is usual on the return of friends, feasted on what was eatable. They brought back a large band of horses; these broke down some of the fences and destroyed a good deal of crop....[34]

Clearly, the Indian Commissioner's decision to replace rations with self-grown produce was unrealistic. Similarly, commenting on conditions at the Blackfoot reserve, Agent Macleod had observed that the crops were well advanced, and that "the Indians on the reserve were contented until Crowfoot's arrival, with his wild followers from the south; their horses broke down fences and destroyed the greater part of the crop...."[35] Further, for the Blackfoot peoples these circumstances were combined with an adherence to the "no work, no food" ration policy.

In spite of the deputation sent by Crowfoot in September, this state of affairs prevailed at Blackfoot Crossing from August to late November. Accordingly, on December 12, 1881, Indian Agent N.T. Macleod forwarded the Blackfoot people's reply to Dewdney's refusal to renegotiate the Treaty:

> I beg to inform you that the farming instructor [Lauder] from the [Blackfoot] Crossing came in some days ago to report to me that the contractors had allowed the supply of beef to run short, and that the Indians were becoming restive. This occurred once before...The contractors must be given to understand that serious consequences may ensue if this occurs often. I took means to have a supply of beef sent out at once....
>
> The Instructor also told me that the Indians still continue to make threats to shoot if their rations were not increased, notwithstanding my having told "Crowfoot" that I would not permit of such conduct on any consideration.[36]

While Agent Macleod's report clearly established the cause of the Blackfoot people's discontent, his own reaction was of equal importance:

> I determined to apply to the officer commanding the police at this post [Fort Macleod], and upon laying the state of affairs before him we decided to send a detachment of ten men to the Crossing as a warning to the Indians.
>
> There are about half a dozen badly disposed Indians who cause all the trouble and if examples are made of one or two it will cool the others.
>
> You need not be alarmed that any serious trouble will arise. I am confident that the presence of these few policemen will have the effect which I anticipate. The Instructor [Lauder] told me that the majority of the Indians were well disposed and were busy building. Hoping that my action in sending the detachment to the Crossing will meet with your approval.[37]

This request for N.W.M.P. support emphasized the reasoning behind Crowfoot's own earlier attempt to improve social control through having additional chiefs officially recognized. Indeed, the Agent's summer reports had observed that in addition to the Indians' horses ruining the crop, there had "also been a spirit of mischief exhibited, and a jealousy by those coming in the spring against the Indians already settled. Their fences were pulled down at night and their gardens robbed."[38] Yet, the "Indian unrest" at Blackfoot Crossing was also directly attributable to the inadequacy of and the method of implementing the "no work, no food" ration policy. Agent Macleod's decision to contain the situation underlined the Government's attitude.

By early in January of 1882, N. T. Macleod's reassurance that Dewdney "need not be alarmed that any serious trouble will arise," had been reduced to a tenuous balance of maintaining the "no work, no food" ration policy and controlling the Blackfoot response. Indeed, on January 2, 1882, Sergeant Howe of the N.W.M.P. detachment stationed on the Blackfoot reserve, was "ordered by Inspector Dickens to take two Constables and arrest a Blackfoot minor Chief named "Bull Elk."[39] The legal basis for this action stemmed from a charge laid by Charles Daly, a butcher working on the reserve. As part of local practice on the Treaty Number Seven reservations, the beef suppliers sold the heads and offal of the slaughtered cattle to the Indians.[40] This arrangement was important for the Blackfoot peoples because it provided a supplement to the regular ration. On January 2, during a dispute over payment for a particular head, Bull Elk challenged Daly's refusal to supply him with the meat. According to Daly, Bull Elk atttempted to shoot him.[41] This incident subsequently triggered a confrontation between the Indians and Government officials. As Sergeant J. Howe reported:

> I took two Constables, and accompanying Inspector Dickens to the Reserve I saw "Bull Elk" running across the prairie: We immediately started after him. I ran after him myself, he ran up a hill about forty feet high, he carried a gun which he brought to the "ready" position. I kept on advancing towards, when "Eagle Shoe" then said, wait, and I will go up to him, he did so, and after some coaxing came down. I told him to come along. Const. Wilson took one are and I took the other, we walked him on about twenty paces, when about thirty young Indians came running up from the Camp & formed half circle around us /sic/, calling out the prisoner & to one another, come what are you afraid of, they are only four Policemen. We managed by considerable exertion to get him through the mob, but when we got on the ice, part of the Bow River, which we had to cross, the mob increased here, old squaws with axes & knives & young Indians with Carbines, an Indian caught me by the right arm, another came behind me & tripped me up, this was (illegible), but rather sensational. The constable on the left was treated in the same manner. As soon as I fell an old squaw ran at me & snatched the prisoners /sic/ gun out of my hand before I could recover myself. I still held on to the prisoner with my left hand, while Insptr. Dickens kept the Indians back in rear with his revolver. I could hear the young Indians loading their Carbines, one of them discharged his Carbine and I heard the bullet whistle over my head. I then fired my revolver three times in the air as I thought we had better get some assistance, this being a pre-arranged signal for the men at our quarters, to double down, our strength all told was thirteen in number, we managed to get the prisoner up to our quarters all right. Inspctr. Dickens held an examination and decided that the prisoner should be sent to Macleod for trial. The Indians however determined that he should not go "Crow Foot" head chief of the Blackfoot nation came over to beg him off but when he saw we were determined to send him to Macleod, they immediately sent over to the

> different camps for their Warriors which mustered Seven hundred well armed men, all provided with the improved Winchester, and plenty of ammunition, they offered a great insult to our sentries, one of which was over the horses in the stable & one over the store room, they tried every way possible to make our men fire. A Blood Indian who was in the camp at the time, told our interpreter that they tried to excite us to fire on them & if we had commenced, they would have annihilated us. They [sic] had us completely in our [sic] power: they had about a hundred warriors over our store room and as many more over the horses, they had us shut off from water by a line of sentries, and had fires all around the house (our quarters). We saw that it was no use for our small detachment to attempt to get the prisoner to Fort Macleod, so Inspectr. Dickens told "Crow Foot" that if he would go bail for the prisoners [sic] appearance every day he might take him with him. "Crow Foot" then went to the door with the prisoner & told them all that he had got the prisoner off, such discharge of arms & such yelling was never heard, they seemed to think that they had gained a glorious victory over the Police. Inspr. Dickens sent me to Fort Macleod to report the whole matter to Major Crozier.[42]

Sergeant Howe's conclusion, that the incident had eroded Blackfoot-N.W.M.P. relations, pointed out the complications which Commissioner James F. Macleod had foreseen in 1879: in countering the impact of the "no work, no food" ration policy with force, the N.W.M.P. had subordinated the principles of justice to an inadequate reservation programme. Consequently, the limited basis for Blackfoot-N.W.M.P. coexistence had been undermined further.

For the Blackfoot peoples the incident delineated the nature of British-Canada's official Indian-White relations. Yet, in several respects the circumstances leading up to Bull Elk's arrest were consistent with the traditional position taken by the Blackfoot towards intercultural relations. In the past, the Blackfoot had not only engaged in mutually beneficial exchanges of trade goods, but had done so on terms which maintained their economic independence. This had enabled the Blackfoot to preserve their social and cultural integrity through adaptation. By the winter of 1881 the conditions prevailing in Treaty Number Seven area were the exact opposite of this approach. The "no work, no food" ration policy presupposed economic dependence and a corresponding social and cultural disintegration. Accordingly, Bull Elk's defiance upheld the Blackfoot peoples' determination for coexistence. Similarly, Crowfoot's success in regaining custody of the prisoner re-established on Blackfoot terms a degree of cooperation with the N.W.M.P. the question of confrontation and containment rested on the official interpretation of events. As Major Crozier's report of the subsequent arrest of "Bull Elk" revealed:

> I had not trouble after my arrival with the Indians. They were evidently greatly impressed with the preparations I had made [to reinforce the N.W.M.P. temporary headquarters on the reserve.] Crowfoot asked if I intended to fight.
>
> I replied, "Certainly not, unless you commence."
>
> I explained to him,...that we have come into the country to maintain law and order, that if a man broke the law he must be arrested and punished. I asked him then if he, as a chief of the Blackfoot nation, intended to asist me in doing my duty, or if he, intended to encourage the people to resist. I further said, "If I find sufficient evidence against the prisoner to warrant me in so doing I intend to take the prisoner to Fort Macleod, and when I announce my intention of so doing I expect you to make a speech to your people, saying I have done right." Crowfoot did not answer, beyond making excuses for the manner in which his people had acted a few days before, However, at the conclusion of the examination of witnesses, I tole them all that the prisoner was going to be taken

> to Fort Macleod. Crowfoot did speak to them in his usual vigorous manner, endorsing perfectly what I had done, and had decided upon doing....
>
> The reinforcement that had arrived from Fort Macleod in so short a time had astonished and awed them; for these reasons, the Chiefs and people were willing to listen to reason, and did so.[43]

Concerned only with immediate circumstances, Crozier's report presupposed Blackfoot aggression as the basic cause for the confrontation. From this perspective Crozier interpreted Crowfoot's role and concluded with the general observation that:

> It is under circumstances of strong feeling and excitement, such as characterized by their actions when Mr. Dickens made the arrest of minor chief "Bull Elk," that the Indians are to be dreaded. So long as they are in a calm, sober state of mind they appreciate and know full well that the power of the Government is too great for them to defy....Under a high state of excitement, or with their superstitious feeling in some way wounded, they are entirely reckless of consequences and as wild as madmen.
>
> To enforce the law among people liable to be swayed by such feelings, it is necessary that there should be a large force to do it with.[44]

Echoing Commissioner Irvine's conception of Indian-White relations, this assessment equated the role of law and order with the containment of "Indian unrest." In effect, for the Blackfoot peoples, Crozier's attitude supplanted the degree of coexistence enable by traditional principles of justice, with the wardship rationale of the "no work, no food" approach. Through containing the Blackfoot people's discontent, the N.W.M.P. underlined the Government's rejection of Treaty renegotiations and confirmed that the new way of life envisioned by the civilization programme would continue to be a rhetoric of transformation. Despite this reality, Crowfoot's apparent cooperation with the Mounted Police worked to neutralize official justification for further confrontation. This would allow for peaceful adaptation, if not coexistence.

(iv)

In response to the "Indian unrest" at Blackfoot Crossing, on January 12, 1882, Indian Commissioner Dewdney telegrammed C. E. Denny, an ex-member of the N.W.M.P., to take over Treaty Number Seven Agency:

> Proceed at once to [Fort] Macleod, take charge of the Blackfeet, Sarcees, Stonies, [sic] Reported Blackfeet behaving badly alleged cause insufficiency of food.
>
> See Crowfoot -- explain that you are sent as his old friend to act as agent. they [sic] must not suffer, but,...if acting mean strong measures will be taken. all supplies are sent in. Contractors instructed to recognize your requisitions.[45]

The Indian Dommissioner intended by appointing C. E. Denny to appease and control the discontent. An expedient solution, this decision did not involve any reassessment of the "no work, no food" ration policy. In fact, Assistant Indian Commissioner E. T. Galt's confirmation of Agent Denny's appointment issued instructions which underlined the continuation of this approach. Galt asserted: "I must... impress upon you the mecessity of issuing nothing beyond what is absolutely necessary...."[46] Both Dewdney and Galt assumed an on-going "trust" between the Mounted Police and the Blackfoot peoples.

C. E. Denny's first report, on reaching the Agency headquarters at Fort Macleod, reflected the Blackfoot peoples' position:

> I have already sent word to "Crow Foot" by his wife whom I found here that I had come to take charge of them and those Indians whom I have seen, seem glad to see me.

Agent Denny's arrival signified to the Blackfoot peoples that Crowfoot's mediation between his people and the N.W.M.P. had succeeded in curtailing any further confrontation with Government forces. Denny's analysis of the "Bull Elk" incident sympathized with this position, yet his observations did not look beyond immediate circumstances to comprehend the basis of the Blackfoot "unrest."

Endorsing the official role maintained by the Force, Agent Denny first commented: "There is not the slightest doubt but that had the Police not been sent here there would have been serious trouble which had been avoided by their being here."[48] At the same time, he pointed out that the stationing of a party of Police on the reserve had had "the effect of making the Indians think that they /were/ guarded...." As a result, some of the young men had taken the chance to "shew their courage by doing wrong in spite of the Police."[49] Furthermore, this behavior was attributable to the inadequacy of the ration policy:

> Flour had on some occasions during the winter run out, and remembering the starving condition they had been in previous to going across the /boundary/ line, they were afraid of a recurrence and were therefore very dissatisfied.[50]

In conclusion C. E. Denny asserted that to readjust the situation, the policy towards the Indian peoples must be applied in such a manner "that the Blackfeet...know that the Government takes an interest in their well-being,..."51

The degree to which the Government would consider the Blackfoot peoples' well-being was outlined by Commissioner Irvine of the N.W.M.P.:

> I do not wish to produce any unnecessary disquiet, but I would call your attention to the fact that the railway will next summer enter the Indian country proper, passing close the Blackfoot Reserve.
>
> The Blackfoot, Bloods and Piegans form the Blackfoot nation. This powerful tribe, as you know, has but recently come in contact with white men, and their experience of them is almost altogether of the Police Force. They are as yet perfect savages able to mount at least 1000 warriors, exceptionally well armed and equipped. These Indians are entirely unused to large bodies of white men, and know nothing of a railway or its use. The Indian mind being very easily influenced, and very suspicious, it may be that they will consider their rights encroached upon, and their country about to be taken from them.52

Irvine's forewarning echoed the statement he had made in 1881 that the Blackfoot peoples would have to be kindly but forcefully controlled. This preconception that "Indian unrest" was an inevitable element of western expansion, agreed with the reasoning behind Deputy Superintendent-General Vankoughnet's plan to integrate the "no work, no food" reservation system with the Dominion's national priority.

Yet, the N.W.M.P. Commissioner's closing comment that the Blackfoot might "consider their rights encroached upon, and their country about to be taken from them" rested on fact as well as assumption. Since the original Treaty negotiations in 1877, the reservation established for the

Blackfoot peoples had been re-allocated to accommodate the independent interests of the Blood and Sarcee.[53] Having set aside these two separate reserves, a final legal adjustment of the Blackfoot people's reserve was necessary; in addition, the 1877 agreement had established "a strip of one mile on the south side of the Bow River and on the North and South sides of the South Saskatchewan River...."[54] The Blackfoot claim to this strip was restricted to a ten year period.[55] Now the construction of the Canadian Pacific Railway required the Indians to surrender both of these tracts of land.

Throughout 1882-1883, therefore, Indian Agent Denny was to follow the "no work, no food" ration policy and peacefully gain the Blackfoot people's acceptance of the Canadian Pacific Railway. As a part of the programme for appeasement, Denny first consulted with the Blackfoot. His report retierated the argument which the Blackfoot leaders previously had presented to the Governor-General:

> On arriving at the Crossing I went into everything thoroughly and had many meetings of the Indians, who I found were really very badly of /sic/, no tools to work with being the principal want, axes particularly. They all expressed themselves anxious to work if they only had tools.[56]

At the Blackfoot Crossing reserve there were "only two yoke of oxen...and three horses."[57] A similar shortage prevailed on the Blood, Peigan and Sarcee reserves. Denny recognized that the Blackfoot would be satisfied and controlled only when the means to fulfill the civilzation programme outlined by the Treaty had been provided. Accordingly, he requested tools such as axes, ploughs and cross-cut saws. In reply, Assistant Indian Commissioner Galt assured him that a "plentiful supply of agricultural implements and tools [would] be furnished...by the contractors."[58]

Not until August, 1882, was Agent Denny able to report that "the tools that are now coming in are the utmost use and are good quality, and the supply is large enough."[59] During the interim, relations between the Blackfoot and the Government had hinged on a mutual recognition of containment. Instructed to do "everything as economically as possible,"[60] Denny had operated within the constraints of the "no work, no food" ration policy; to eliminate disputes over the sale of heads and offal to the Indians by the contractors, he suggested that the Department of Indian Affairs include heads and offal as part of the allotted ration. This would fit in with the Government's economy programme and would end "a great deal of dissatisfaction as only a few of the Indians were able to buy...."[61] To counter-balance the irregularity in ration distribution, Agent Denny proposed that the Indians be given extra beef with a reduction in the issue of flour "about a month before the supply now on hand runs out...."[62] In response, Galt had informed Denny that the necessary change in agreement with the beef contractors would be made, and that as Indian Agent he was to "issue more beef and less flour: as [he] saw fit."[63]

C. E. Denny's adjustment of ration distribution was part of his assessment of imminent Blackfoot-Dominion relations. He concluded his report for March, 1882, by noting that the "surveyors are now at work here and there seems little doubt but that the [rail] road will cross the river about a mile below [here]....It will need, that the Indians should be well look [sic] after."[64] In addition, he suggested that as the surveyors and railway workers approached the reserve, a Police post should be built nearby to act as "a check on the Indians...."[65] Agent Denny was primarily concerned with appeasing and containing the Blackfoot people's reaction to the Government's failure to negotiate a settlement for the building of the railway.

On April 30, 1882, Commissioner Irvine confirmed C. E. Denny's point of view. Telegraphing N.W.M.P. Comptroller F. White, Irvine relayed that Superintendent Crozier at Fort Macleod had reported that "the Blackfeet Indians are not yet in a most satisfied mood, the stories circulated among the Blackfeet as to the Railroad crossing through the country is causing some excitement and speculation among them." Commissioner Irvine's proposed solution was to send seventy-five Mounted Police to Fort Macleod, "as it [would] clearly show at once, that the strength of the Force, has been materially increased."[66] The "excitement and speculation" among the Blackfoot was justified by the Government's unilateral action in proceeding with the construction of the railway, without any consultation. The re-allocation of reservations to the Blood and Sarcee had already changed the geographic parameters of the Treaty; now the C.P.R. would disrupt the Blackfoot people's future. These circumstances were consistent with the Government's strict adherence to its policy of refusing to renegotiate the Treaty. Indeed, N.W.M.P. Comptroller White replied to Irvine: "Minister instructs you inform Indians that if Canadian Pacific Railway passes through their reserves they will be compensated for right of way and proximity of Railway will increase the value of their land and will give them profitable employment."[67] This directive was in keeping with the legislation governing Indian-White relations,[68] and again followed Vankoughnet's general conception of the reservation system for the Territories.

Throughout the summer of 1882, therefore, Agent Denny continued to contain the Blackfoot by a judicious application of the "no work, no food" ration policy. Commenting that to date the Blood, Peigan, Sarcee and Stoney reserves had all been finally established, Denny emphasized that the Blackfoot Reserve was as yet unsettled:

> no release [had]...been taken from the Blackfoot tribe, of the portion of the reserve that would have fallen to the Bloods and Sarcees had the Government not given them reserves elsewhere... And as the reserve at present runs down to the mouth of the Red Deer River, and the Blackfeet consider it belongs to them, the longer the transfer is delayed, the more difficult it will be to make.[69]

The Agent's immediate solution was to hold frequent interviews with the Blackfoot people, pointing out, as directed, the advantages and benefits to be derived from the railroad.

In his report for July, 1882, the Indian Agency Inspector, T. P. Wadsworth, commented on these exchanges:

> I have again to mention the ill effects of Indians being encouraged to visit Fort MacLeod - why should it be any reason for Crowfoot to visit there his not having been there for a year? The longer he & his people stay quietly upon their Reservation the less disposition they will have to leave it:...but whilst [Denny] encourages Indians by giving them presents of Tea, Tobacco and clothing at Fort Macleod so much the more will they continue to go there. Why should not some of this tea, tobacco and clothing be given to the Sub-Agent [Pocklington] for distribution to the Indians whilst actually working?[70]

The Inspector's observations pointed out Agent Denny's expedient use of the "no work, no food" ration policy. This method of appeasing and containing the Blackfoot bore little resemblance to British-Canada's traditional civilization programme.

In July of 1882 Commissioner Irvine underlined the policy of containment by transfering 100 men to Fort Calgary.[71] Subsequently, Denny reported that the Blackfoot people "show no sign of being displeased at the railroad running through the country, but only show curiosity, which is to be expected, as they are totally ignorant of what a railroad is."[72] Recognizing the Government's intent, the Blackfoot acquiesced in order to prevent a confrontation which would preclude a formal land settlement.

Assistant Indian Commissioner Galt's report for 1882 interpreted the Blackfoot people's attitude as an endorsement of the "no work, no food" ration policy. Summarizing from the British-Canadian perspective, Galt noted that as wards:

> These Indians have remained steadily on their Reserve all summer, and expressed themselves to me as being satisfied with the manner in which the Government is treating them.[73]

Similarly, Agent C. E. Denny reocrded that once an adequate supply of tools was available, houses had gone up "thick and fast at the [Blackfoot] Crossing, Blood and Sarcee Reserves,....Many of [the Indians were] proud of their houses, but most of them [were] sadly in need of doors and windows, &c."[74] Despite the Government's first concern to control "Indian unrest" while building the national railway, the Blackfoot people's continued to adapt; their cooperation worked to maintain the degree of social and cultural integrity made possible by the restraints placed on coexistence. Denny's closing comment defined the future which the Blackfoot efforts had earned:

> We have, in the last two months, allowed the Indians [Blood] to use their potatoes, and have cut the ration one-half, that is to one-quarter pound. This had saved several hundred sacks of flour already, and I hope to keep to this ration for the winter.[75]

A similar reduction had been made on the Blackfoot, Peigan and Sarcee reserves. Although supposedly appeasing the Blackfoot, the wardship rationale implicit to policy application also required that Denny initiate self-sufficiency on the basis of the "no work, no food" principle.

Assistant Indian Commissioner E. T. Galt's report for 1882-83 consolidated this approach. Significantly, his recommendations promoted economic independence among the Blackfoot peoples and upheld the moral premise inherent to the condition of wardship. Galt set down that as much seed as possible must be obtained from the Indians for the next year's planting; Indians would not be allowed to sell their crops, as they would require all they had raised for food. Every effort was to be used to employ Indians instead of white men's labor, while occasionally small quantities of tea or tobacco could be issued to Indians who were working in their fields, "in order to stimulate them to further exertions."[76] With regard to the regular beef and flour ration, Galt stipulated that the daily per capita issue was to remain at 1 lb. of beef and 1/2 lb. of flour, with the Indians' own produce being used to reduce the flour issue. These rations were to be issued with greatest possible economy; Indians would have to present their ration tickets before food was issued to them.[77]

For the remainder of 1882 and 1883, the Assistant Indian Commissioner's recommendations represented a broad outline of the Blackfoot peoples' existence. Agent Denny noted that the "Farm Instructors had little difficulty in keeping them quiet, and getting them to do what work was required, such as cutting fence rails for their fields for the coming spring."[78] On the Blood and Peigan reserves, in particular, the potato crop from the previous summer had allowed a reduction in the flour ration which created an 1100 sack surplus for the start of the new year."[79] In addition, unlike 1882, during the planting season "no contract work was done at all in the Agency, all the work being done by our own men, Indians and teams, while last year many hundred dollars were expended on contract ploughing."[80] Although summer frost had injured their crops, with their potatoes being dwarfed, nevertheless there was a "large number of these and other vegetables which [would] assist greatly in keeping [the Indians] during this winter [1883-84]."[81]

Agent Denny's concern with economy was an extension of the Dominion Government's on-going comprehension of Indian-White relations; conceiving of the native peoples as being dependent, but potentially equal within British-Canadian society, the Government focussed on not perpetuating wardship. Accordingly, self-sufficiency based on the "no work, no food" ration policy was a priority. Furthermore, this approach was vaguely equated with the economic independence envisioned by the traditional civilization programme, and did not displace the priorities governing national expansion.

In concluding his annual report for 1883, C. E. Denny juxtaposed the reality of reservation conditions within Treaty Number Seven with the general assumptions accompanying British-Canada's traditional civilization programme. Basically reiterating the sentiments expressed by the Blackfoot peoples in 1881, Denny pointed out:

> The advancement of the Blackfoot altogether

> depends on their management and the help they may receive from the Government during the next two years...On nearly every reserve they [ask] for tools and help to farm, which shows their wish to work, and that they see the necessity for it.
>
> When it is remembered that, not many years ago, the Blackfeet tribe were considered the wildest and most untameable Indians on the continent, it is thus shewn that they are possessed of great intelligence, which could be turned in to useful channels. My reason for writing so fully on this subject is, that I can see that it is not by the receipt of rations or annuities they will be made self-supporting, but by the encouragement they get in farming and being taught useful trades.[82]

Centering on the long-term implications of the "no work, no food" ration policy, Agent Denny pin-pointed the limited options facing the Blackfoot peoples as a result of the Government's concern for economic self-sufficiency, rather than independence. The Government's failure to act on this crucial difference was a concomitant aspect of western development. Indeed, from 1881 to 1883 the enforcing of containment had meant that the relationship of the Mounted Police Force to the Blackfoot peoples had exemplified this indifference. As his closing comment, Agent Denny observed that the advent of the Canadian Pacific Railway through the Blackfoot Crossing reserve foretold "the final extinction or scattering of the tribe."[83]

(v)

On the 20th and 27th June, and the 2nd July, 1883, the Blackfoot, Sarcee and Blood peoples, respectively, met with Indian Commissioner Dewdney in a Council called to amend the original Treaty. The Blood and Sarcee ceded their claim to lands included within the 1877 agreement, while the

Blackfoot accepted a reduced reserve at the Crossing; for the Blackfoot people this new treaty accommodated the railway right of way by adjusting the reservation boundaries.[84] With this completion of the C.P.R., Agent C. E. Denny reported:

> all has been going on quietly,....None of the Blackfeet have been off horse stealing, but have remained quietly on their reserves. They have increased the number of houses in all their villages, and fenced good large fields as well ...I spoke to them in council, on the approach of the railroad,....They expressed their willingness that the road should pass through their reserve, and since that no change has come over them in this respect.[85]

The Blackfoot peoples' attitude showed a resolve to make the Government's unilateral railway policy mutually beneficial. As Denny noted, in July of 1883 the Blackfoot chiefs had stated that they wanted "to go down to Regina, and even to Ottawa, by rail...."[86] Ha~~ving~~ worked to prevent a confrontation with Government officials, the Blackfoot leaders remained determined to negotiate for an existence beyond the limitations of the "no work, no food" ration policy.

When in August the Deputy Superintendent-General of Indian Affairs, Lawrence Vankoughnet, toured the Territories, the Blackfoot leaders applied this approach. Commenting on his visit with the "Blackfoot Nation" Vankoughnet wrote:

> /I/ heard nothing from the Indians whom.../I/ met in Council but expressions of good will towards the Government and of entire satisfaction with the manner in which they have been treated. This is the more gratifying when it is remembered that within less than half a decade, these Indians were continually on the war path, having been

> regarded as the most warlike Indians in the Dominion. They have now settled down to peaceable pursuits, almost every family having its house and farm or garden in connection therewith, and taking great pride in growing crops and storing them away for use during the winter.[87]

Ignoring the intent of the Blackfoot peoples' cooperation, the Deputy Superintendent-General superimposed the orderly, patterned nature of Indian-White relations in Eastern Canada on prevailing conditions in Treaty Number Seven Agency.

This report caused Prime Minister John A. Macdonald to commend the "remarkable loyalty" of "Chapo-Mexico" or "Crowfoot." The Blackfoot peoples' settling down to "peaceable pursuits," combined with their acceptance of the C.P.R., meant that "Chapo-Mexico" [was], without exception, the most important Chief in the North-West Territories, and [swayed], by his eloquence and personal influence, the whole Blackfoot Nation...."[88] Typical of the official response to the Blackfoot peoples' determination for cooperative co-existence, Macdonald's consideration of the prestige of the "Blackfoot Nation" was a reflection of the Government's own priorities.

The basis of the Prime Minister's interpretation of the Blackfoot leadership had been set down in a report drawn up while Vankoughnet was in the North-West. Written as a rebuttal to public questioning of the increased annual expenditure on Indians, the Department of Indian Affairs had uncritically claimed the Blackfoot peoples' determination to adapt as a measure of the success of the "no work, no food" ration policy, particularly in maintaining peaceful

Indian-White relations. Acknowledging that from 1879 to 1881 the buffalo crisis had made the distribution of food essential, the report justified the heavy expense: even though the Indian peoples were "subsisting...on a ration which would barely support life --- there was no disaffection or disturbance, while an almost universal desire was manifested to abide by the wishes of the Agents and to avail themselves of the instruction afforded by the Farming Instructors."[89] Specifically referring to the Blackfoot peoples' cooperative response to the "no work, no food" ration policy, the report viewed the seeming lack of discontent among the Indians as a measure of their satisfaction "with the efforts made by the Government to promote their present and future welfare...."[90]

Carrying this argument forward to encompass the progress of British-Canadian expansion, the report concluded its argument by asserting:

> It may not be improper to add...one important result --which may be traced directly to the prudent expenditure of public money in feeding and caring for the Indians of the North West, showing them that not only would treaty stipulations be fulfilled, but that further and material inducement to settle and become law-abiding should not be wanting -- is the uninterrupted progress of the Canadian Pacific Railway, which has been constructed from the Western boundary of Ontario to the Rocky Mountains without the slightest opposition moral or physical from any of our Indians.[91]

The successful construction of the C.P.R. overshadowed the shortcomings of the "no work, no food" ration policy, and skewed the reality of Indian-White relations.

For the Blackfoot peoples, the value and assumptions embodied in the Department of Indian Affairs' report would continue to uphold the "no work, no food" ration policy. Further, in late August of 1883, the deepening economic recession[92] caused Deputy Superintendent-General Vankoughnet to authorize stringent economy measures.[93] This decision entrenched the current state of Dominion-Blackfoot relations by calling for a reduction of agency personnel, as well as a cut-back in the ration policy. In Treaty Number Seven Agency the distribution of beef and flour was to be held at one-half pound each.[94] In addition, following a decision earlier applied in Treaty Number Six Agency, bacon was introduced as a partial substitute for beef.

During the winter of 1883-84, Vankoughnet's economy measures provoked the Blackfoot peoples. Farm Instructor W. C. McCord's report for the month of January, 1884, described the Blood reaction to the reduced "no work, no food" ration policy:

> January, 1884
>
> 8th - looking after the Indians at the Lower camp and the new buildings. Issued B. [bacon] today. The Indians does not like, [sic] but they will get into the way of using it with their potatoes.
>
> 9th - terrible snow storm. Thieves trying to break into the Issue house which is not very hard to do.

> 11th - Hauling longs to the building. Very hard wind and snow drifting hard....Caught an Indians [sic] breaking into the meat house.
>
> 15th - hauling some fire wood. Bacon rations increased to 1/2 lb. each today which I think is right.
>
> 16th - Crowfoot and party came into camp today, 26 of them which I must ration until they leave.
>
> 19th - Red Crow assisted us in rationing and does very well to keep peace.
>
> 22nd - Issued bacon to day [sic]. The Indians does not like it [sic] but I do not mind much what they like.[95]

In his diary, McCord not only monitored the tension resulting from the changed ration policy, but his record of Crowfoot's arrival confirmed that the Government was concluding the final stages of its unilateral railway policy. From January 29 to February 1, 1884, Indian Commissioner Dewdney conferred with the Blood and the Blackfoot in order to ratify the treaty negotiations carried out six months earlier.[96]

At Blackfoot Crossing the Indians had also openly opposed the new regime. On January 13, 1884, N.W.M.P. Commissioner Irvine noted that Sergeant Fury had proceeded to the reserve to arrest an Indian charged with horse stealing. Irvine's report described circumstances strongly reminiscent of the Bull Elk incident two years previously:

> Prior to and after the arrest, about seventy or eighty Indians crowded round the escort and attempted to intimidate them into setting the prisoner free; one "Whitecap," the head soldier of the Black-

> foot camp, seizing the horse by the bridle and refusing to allow the buckboard to pass unless extra rations were given them. Finally Sergt. Fury got away with his man, and Inspector Steele, who was commanding at Calgary at the time, visited the camp next day with twenty-five men, with a view to making an example of the ringleaders in this obstruction of the police in the execution of their duty. "Whitecap" had gone to Calgary where, with another ringleader named "Red Meat," he was subsequently arrested.[97]

The injustice of the ration policy had ended the mutual respect which had been a part of the N.W.M.P.-Blackfoot coexistence.

In trying the case, Colonel James F. Macleod, now Stipendiary Magistrate, severely reprimanded but discharged the two prisoners. This action echoed his argument with Indian Commissioner Dewdney in 1879: the confrontation with the N.W.M.P. was as much an expression of the conflict between principles of justice and conditions resulting from the ration policy, as it was the responsibility of one Indian. Nevertheless, unlike the Government's response to the Bull Elk incident, no positive action was taken to appease the Blackfoot peoples. With the construction of the C.P.R. complete, the economic priorities dictated by the recession remained pre-eminent. From the Government's perspective, the N.W.M.P.'s success in quelling the discontent was a satisfactory conclusion.

Throughout the remaining winter months Sub-Agent Pocklington reported that the Indians were "quiet and apparently contented."[98] Yet, on May 31, 1884, he recorded that "'Eagle Tail' [was] away at the Blackfoot Crossing waiting with Crowfoot to visit your Honor [Dewdney] by they say invitation. Red Crow leaves in a day or two for the same place."[99] The Blackfoot chiefs were carrying forward their request, made in July of 1883, to meet directly with the Heads of government, either in Regina or Ottawa. Although the immediate problem was the reduced rations, the Blackfoot leaders intended to reach an agreement with the Dominion Government which would enable their future economic independence, and cooperative coexistence within British-Canadian society.

While the Blackfoot chiefs were holding their preliminary Council, an occurrence on the Blood Reserve foreshadowed the divergent points of view which would limit the value of the Blackfoot meeting with Indian Commissioner Dewdney. On July 11, 1884, Sub-Agent Pocklington related that during a stormy interview:

> /the Black Soldiers/ said they would not take the bacon that "Red Crow" had told them not to, and they would not, demanding that beef should be sent for and killed at once. They talked about, now, when the Treaty was made in /77, they were promised rations all the time in fresh meat. I replied that no such thing was promised them, that I was present when the Treaty was made and that they were only promised assistance as to food until they could help themselves -- I also informed them a fact they had forgotten that the day before "Red Crow" left for the Crossing nearly all of them had been present at my Office in MacLeod when the bacon question was satisfactorily settled, "Red Crow" agreeing to take it once a week.[100]

Although this incident was a direct result of the Government's changed ration policy, Pocklington's report incorporated the disparate Blackfoot and British-Canadian attitudes. The Dominion's traditional approach to Indian-

White relations, and by extension Treaty Number Seven, set forth that economic independence, as well as cultural assimilation, was essential for enfranchisement. Yet the "no work, no food" policy applied since 1878 had ensured that after the buffalo crisis economic independence for the Blackfoot peoples would be an impossibility. From the Blackfoot traditional perspective, economic independence was also the cornerstone of their determination for cooperative coexistence. Accordingly, the Treaty represented a just claim to the continuation of beef rations; this minimal subsistence was a start towards eventual, complete economic independence. The concern to secure an on-going livelihood was intrinsic to both the Blackfoot peoples' aspirations and the British-Canadian approach. However, Sub-Agent Pocklington's response that the Blackfoot "were only promised assistance as to food" was consistent with the Government's conception of its Indian wards: assuming the native inhabitants were inherently incapable of conforming to British-Canadian individualism, the Government refused to recognize that the Treaty guaranteed more than the "no work, no food" ration policy. Pocklington's final comment set down the results of this attitude:

> In the evening "Striped Dog" and another Indian arrived from the Crossing with a message to me from "Red Crow", telling me...not to issue bacon, until he should return from his visit to your Honor.
>
> I have arrived at, but one conclusion, and that is, that the Blackfeet, Bloods, Piegans and Sarcees, have made up their minds not take bacon more than once a week, and if at any time more is offered in the place of beef, they most assuredly will kill cattle, when the Ball will be opened; some of my

> old time Indian friends have told me this, and say the Indians mean it.
> I left the Indians quiet....[101]

The Blackfoot leaders' interview with Indian Commissioner Dewdney in July, 1884, confirmed the disparity between the Blackfoot peoples' determination for cooperative coexistence and the British-Canadian conception of Indian-White relations. On receiving "Crowfoot," "Three Bulls," "Red Crow" and "Eagle Tail," Dewdney agreed that although "the party expressed a strong desire to go as far as Ottawa," it would only be possible for them to make a trip to Winnipeg. Primarily concerned with controlling "Indian unrest," the Indian Commissioner felt that such a trip would be of value as "prior to returning to their own homes...[the Chiefs would see] one of our own large centres as they were partially impressed with the idea that most of the white men had gone to the West and there could be but few to follow." Any false ideas regarding the "supremacy of the white man" in relation to the native peoples would be dispelled.

Aside from this over-riding concern, Dewdney then commented that the Blackfoot Chiefs "had no substantial grievances." He recorded that the Chiefs negotiated for housing, lumber, wire fencing and the construction of roads to facilitate transportation throughout their reserves. In addition, the Blackfoot leaders requested that the flour ration not be reduced, the issue of bacon be limited to once a week, and that tea and tobacco be given to working Indians. While referring to the re-allocation of the Blackfoot Crossing reserve to enable the route of the C.P.R., Crowfoot pointed out the contemporary state of Indian-White coexistence. He commented that "during his trip to [Regina] he had encountered many drunken white men....If the Reserve had not been made compact and all on one side of the railway the Band would suffer by white people trespassing on their lands...."[102] Dewdney concluded the interview with the usual "present of tea, tobacco and sugar which the Chiefs might take to their people...." In recognition of their visit to Regina, the North-West Territories Council granted the Chiefs of the Blackfoot Nation" $50.00 to commend their "good faith and true allegiance to Canada."[103]

Like the Blackfoot peoples' interview with the Governor-General in 1881, the trip to Regina achieved little more than confirming that the discrepancy between the aspirations of the Blackfoot and the "no work, no food" ration policy would continue. Indian Commissioner Dewdney's position reflected the primary goal of official Indian-White relations: the present policy had allowed the Dominion Government to achieve its own priorities. The Government did not intend to meet the Indian peoples' demands for the means to achieve economic independence, and, conversely, concern not perpetuate the condition of wardship provided the necessary rationale. Containment was the one alternative. For the Blackfoot peoples, therefore, Inspector T. P. Wadsworth's report for August 14, 1884, summarized the reality of cooperative coexistence:

> I have the honor to inform you that when I was at the Blackfoot Crossing Crowfoot was rather upon his "high horse" and came into the ration house and quite excitedly complained of the small quantity of flour that was being issued: the quantity did appear small --about 5 oz's. per soul-- but as there was no complaints whatever from any other source,...I attribute his outbreak of temper, to his wish to show off before his Indians, and to shew that his trip East had not destroyed his powers of speaking out, and looking after their interests:
>
> After the rationing he came again with a number of his men, and he informed me that he wished his Reserve to be placed upon the same footing as the Bloods, that the men (Indians) who cut up the meat there were paid $13.00 per month for doing this, and he wished his men to be paid the same: upon my asking him why he had not submitted this to you when he was at Regina, he replied that everything he said to you was not interpreted that he asked you to give him a letter of instructions for the Agent, and he did not get it, and that he did not get enough presents he also said more, that is not worth repeating:....[104]

The events of 1884 had clearly shown that the Blackfoot peoples' determination to adapt through cooperative coexistence, had been over-ridden by the Dominion Government's own priorities. Indian Commissioner Dewdney's response to the Regina deputation was consistent with the official comprehension of Indian demands made in the past: compared to the priorities for national expansion, the Indian peoples' interests were, and would continue to be, equated with "Indian unrest." The role assumed by the North-West Mounted Police was an extension of this approach. Similarly, the "no work, no food" ration policy complemented the official perspective by appeasing the native inhabitants and by carrying forward the wardship rationale embodied in the Indian Act.

From 1881 to 1884 this conception of Indian-White relations had defined the nature of Treaty Number Seven, and had reduced the traditional civilization programme to a rhetoric of transformation. At the same time, the ration policy itself ensured that the contradiction inherent in the Dominion's traditional approach to Indian-White relations would continue. Since 1857 the Indian legislation had declared the native peoples to be dependent, but potentially independent and equal within British-Canadian society; the "no work, no food" ration policy guaranteed for the Indians a condition of economic dependence, while supposedly enforcing the principle of individual self-sufficiency. This conflict within the policy had negated the Blackfoot peoples' efforts to succeed in a new way of life and, by 1884, had redefined their existence as one of wardship.

FOOTNOTES:

[1] Canada. Sessional Papers, 1882, Vol. V, No. 6, Annual Report of the Department of Indian Affairs, 1881, p. XXXVII.

[2] Canada. Sessional Papers, 1882, Vol. V, No. 6, Annual Report of the Department of Indian Affairs, 1881, p. 39. The Blood decision to relocate on the Belly River was followed by the Sarcee request for a reservation separated from the original (1877) Blackfoot Crossing land settlement. (See: Canada. Sessional Papers, 1881, No. 14, Annual Report of the Department of Indian Affairs, 1880, p. 80; Canada. Sessional Papers, 1882, Vol. V, No. 6, Annual Report of the Department of Indian Affairs, 1881, p. 40.) After 1880-81, therefore, a consideration of the Blackfoot peoples ideally should provide an analysis of the separate peoples and the differing conditions and circumstances on each reserve. Working with the records of both the North-West Mounted Police and the Department of Indian Affairs, this chapter limits itself to the main thrust of Indian policy in Treaty Number Seven area, 1881-1884. This approach does, to some extent, over-simplify but it is made necessary by the absence of adequate documentation for a broader discussion. As a result the nomenclature is less precise: "Blackfoot peoples'" encompasses the Blood, Piegan, Blackfoot (proper, or North Blackfoot) and Sarcee, generally; "Blackfoot people's" designates the Blackfoot proper (or North Blackfoot).

[3] Canada. Sessional Papers, 1881, Vol. VIII, No. 14, Annual Report of the Department of Indian Affairs, 1880, p. 97.

[4] Canada. Sessional Papers, 1882, Vol. V, No. 6, Annual Report of the Department of Indian Affairs, 1881, p. XXXVII.

[5] Ibid.

[6] See: Noel Evan Dyck, "The Administration of Federal Indian Aid in the North-West Territories, 1879-1885" (unpublished M.A. thesis in history, University of Saskatchewan, 1970), Chapter IV, particularly p. 63; Hugh A. Dempsey, Crowfoot (Edmonton: Hurtig Publishers, 1973), Chapter XII, particularly p. 135-136; for a valuable insight based on the oral tradition of the Cree, see Norma Sluman, Poundmaker (Toronto: Ryerson Press, 1967), Chapters XXI to

FOOTNOTES continued:

XXIV, and particularly pages 104, 117 and 145 which define the Dominion's Indian policy from the native peoples' perspective; for an administrative analysis of Indian policy covering the period 1881-1884, see J. D. Leighton, "The Development of Federal Indian Policy in Canada, 1840-1890" (unpublished Ph.d. thesis in history, University of Western Ontario, 1975), pp. 342-349, 381-394. Leighton offers a critical assessment of the Department of Indian Affairs and its personnel, but not of the impact of policy. As a result, he sees the native peoples' response as being an extension of the Government's own attitude and asserts that the Indians of the North-West rejected Ottawa's civilization programme. (See page 348)

[7] RG 10/3768(no file number) Governor-General's interview with the Blackfoot peoples, 1881. For Crowfoot's introductory comment see Dyck, "The Administration of Federal Indian Aid," p. 61.

[8] Ibid.

[9] Ibid.

[10] Ibid.

[11] Ibid.

[12] See: John C. Ewers, The Blackfeet: Raiders on the Northwestern Plains (Norman: University of Oklahoma Press, 1958), pp. 126-138. For a similar discussion which also integrates the social and political structure of Blackfoot society see: John C. Ewers, The Horse in Blackfoot Indian Culture (Washington: Bulletin No. 159, Bureau of American Ethnology, 1955), pp. 176-191, 240-248. In Esther S. Goldfrank, Changing Configuration of a Blackfoot Tribe During the Reserve Period (Seattle: University of Washington Press, 1945), the role of the horse raid in Blood society during the early reservation years is discussed.

[13] RG 10/3768 (no file number) Governor-General's Interview with the Blackfoot peoples, 1881.

[14] Ibid.

FOOTNOTES continued:

[15] Canada. Sessional Papers, 1882, Vol. V, No. 6, Annual Report of the Department of Indian Affairs, 1881, p. 41.

[16] See this thesis, Chapter five, pages 5-7.

[17] Canada. Debates of the House of Commons, April 23, 1880, p. 1691.

[18] Ibid., p. 1692.

[19] Ibid., p. 1693.

[20] RG 10/3751/30249, Memorandum from Deputy Superintendent-General Vankoughnet, June 24, 1881.

[21] Annual Report of the North-West Mounted Police, 1880, p. 8.

[22] Ibid., p. 6.

[23] Ibid.

[24] See this thesis, Chapter five, p. 27-30.

[25] RG 10/3767/33026, Copy of Crowfoot's petition forwarded to the Minister of the Interior, September 22, 1881.

[26] The Hon. Alexander Morris, P.C., The Treaties of Canada with the Indians of Manitoba (Toronto: Belfords, Clarke & Col., 1880), p. 262.

[27] RG 10/3767/33026, Edgar Dewdney to the Superintendent-General of Indian Affairs, November 24, 1881. The Indian Commissioner's response was consistent with the Dominion Government's aim to breakdown traditional tribal structures by only recognizing the role and capacity of "chiefs" as defined in the Indian Act (1876).

FOOTNOTES continued:

[28] RG 10/3751/30249, Memorandum from Deputy Superintendent-General Vankoughnet, June 24, 1881. Vankoughnet suggested an alternate plan which was not carried out:

> The other plan is to locate depots of provisions at certain points where wood suitable for Railway Road ties can be got, and when the ties can be easily floated to the Points convenient to where they would be required in the construction of the Canadian Pacific Railway; --and to send Indians in charge of competent foremen to those points, and employ them in cutting the ties; --paying them with provisions for themselves and families for their labor.

[29] Ibid., Deputy Superintendent-General Vankoughnet to the Privy Council, June 27, 1881.

[30] RG 10/3751/30249, Edgar Dewdney to the Acting Superintendent-General of Indian Affairs, June 18, 1881.

[31] Ibid.

[32] RG 10/3751/30249, T. P. Wadsworth to Indian Commissioner Dewdney, May 12, 1881.

[33] Ibid., Edgar Dewdney to the Acting Superintendent-General of Indian Affairs, June 18, 1881.

[34] Canada. Sessional Papers, 1882, Vol. V, No. 6, Annual Report of the Department of Indian Affairs, 1881, p. 39.

[35] Ibid., p. 40.

[36] RG 10/3574/167, N. T. Macleod to E. Dewdney, December 12, 1881.

[37] Ibid.

FOOTNOTES continued:

[38] Canada. Sessional Papers, 1882, Vol. V, No. 6, Annual Report of the Department of Indian Affairs, 1881, p. XXXI.

[39] RG 10/3574/167, Sergeant J. Howe to Major Crozier, January 4, 1882.

[40] Canada. Sessional Papers, 1883, Vol. IV, No. 5, Annual Report of the Department of Indian Affairs, 1882, p. XVI.

[41] Annual Report of the N.W.M.P., 1881, Appendix F, pp. 50-51.

[42] RG 10/3574/167, Sergeant J. Howe to Major Crozier, January 4, 1882.

[43] Annual Report of the N.W.M.P., 1881, Appendix F, pp. 54-55.

[44] Ibid., p. 55.

[45] RG 10/3574/167, E. Dewdney to C. E. Denny, January 12, 1882.

[46] RG 10/3574/167, E. T. Galt to C. E. Denny, March 4, 1882.

[47] RG 10/3574/167, C. E. Denny to E. Dewdney, January 23, 1882.

[48] RG 10/3574/167, C. E. Denny to E. Dewdney, January 31, 1882.

[49] RG 10/3574/167, C. E. Denny to E. Dewdney, January 16, 1882.

[50] Canada. Sessional Papers, 1883, Vol. IV, No. 5, Annual Report of the Department of Indian Affairs, 1882, p. 168.

FOOTNOTES continued:

[51] RG 10/3574/167; C. E. Denny to E. Dewdney, January 16, 1882.

[52] Annual Report of the N.W.M.P., 1882, p. 16.

[53] See footnote two, this chapter.

[54] Canada, *Sessional Papers*, 1884, Vol. III, No. 4, Annual Report of the Department of Indian Affairs, 1883, p. liv.

[55] The Hon Alexander Morris, P.C., The Treaties of Canada, pp. 261-262, 369. Lieutenant-Governor Laird partially explained the reasoning behind this clause:

> The object of the ten years' reserve on the south side of the Bow River is to keep hunters from building winter shanties on the river bottom. This practice has a tendency to alarm the buffalo, and keep them from their feeding grounds on the lower part of the river. After ten years it is feared the buffalo will have become nearly extinct, and that further protection will be needless. At any rate by that time the Indians hope to have herds of domestic cattle. The country on the upper part of the Bow River is better adapted for settlement than most of that included in the Blackfeet reserve, consequently the Commissioner deemed it advisable to agree that a belt on the south side of the river should be exempt from general occupation for ten years, particularly as the Indians set great value on the concession.

[56] Canada. *Sessional Papers*, 1883, Vol. IV, No. 5, Annual Report of the Department of Indian Affairs, 1882, p. 169.

[57] *Ibid*.

[58] RG 10/3574/167, E. T. Galt to C. E. Denny, March 4, 1882.

[59] RG 10/3610/3513, C. E. Denny to E. Dewdney, August 24, 1882.

FOOTNOTES continued:

[60] RG 10/3574/167, C. E. Denny to E. Dewdney, January 15, 1882.

[61] Canada. Sessional Papers, 1883, Vol. IV, No. 5, Annual Report of the Department of Indian Affairs, 1882, p. 168.

[62] RG 10/3574/167, C. E. Denny to E. Dewdney, January 31, 1882.

[63] RG 10/3574/167, E. T. Galt to C. E. Denny, March 4, 1882.

[64] RG 10/3600/1648, C. E. Denny, Ft. Calgary, March 20, 1882.

[65] RG 10/3600/1737, C. E. Denny, Ft. Macleod, April 16, 1882.

[66] RG 10/3600/1737, Commissioner Irvine to F. White, Ft. Walsh, April 30, 1882.

[67] RG 10/3600/1737, F. White to Lt. Col. Irvine.

[68] See 14 and 15 Victoria (1851) Cap. 59 (Province of Canada). An Act to Consolidate and Regulate the General Clauses Relating to Railways, cited in Derek G. Smith (ed.) Canadian Indians and the Law, p. 47. Regarding the land surrender to construct the Canadian Pacific Railway through the Treaty Number Seven reservation, see "An Act Respecting the Canadian Pacific Railway," Statutes of Canada, 1881, c.1, s.12.

[69] Canada. Sessional Papers, 1883, Vol. IV, No. 5, Annual Report of the Department of Indian Affairs, 1882, p. 172.

[70] RG 10/3609/3334, T. P. Wadsworth to E. Dewdney, Fort Macleod, July 22, 1882. In his report to E. T. Galt for August 3, 1882, Wadsworth also noted:

FOOTNOTES continued:

> I also enclose a return of miscellaneous issue of flour and beef to Indians working around the Reservation headquarters during the month of July, when you learn that this has been paid away for work in addition to the large sum shewn on the July pay sheet I think you will wonder what was going on that could lead to this large outlay. As far as I can learn this has always been going on here, and the issues were made from the beef and flour "saved in rationing" and it was only upon my visit, and seeing what was going on I had the record kept - they have gone somewhat upon the principle that when any work was to be done, to have squaws and Indians do it, and pay them in Grub retaining a little from each ration to make it - to illustrate what can be saved in one issue of three days rations, whilst I was there after re. 1/2 lb. per day to the soul, they saved 700 lbs. in one issue; of course I would not allow this to continue and have given instructions that the full ration each Indian is allowed must be given as nearly as possible: That this was an expensive way of getting work done, was demonstrated to me, and encouraged the farm hands, who were hired to work, in idleness: a number of squaws were paid 100 lbs. beef for sinking a root house 18-22 feet in soft earth - this earth could have been thrown out in 1/2 day by two of our new men:.... (RG 10/3610/3444)

As well as providing an insight into the actual "no work, no food" ration policy being applied, Wadsworth's report was part of his discovery that farm labourers, hired by the Department of Indian Affairs, were working on C. E. Denny's ranch rather than on the Indian Agency farm. Subsequently, in the summer of 1883, Wadsworth reported that the flour being distributed to the Blackfoot peoples consisted of "wheat full of weeds or the cleanings of wheat." See: Dyck, "The Administration of Federal Indian Aid," pages 54-55. These irregularities underlined the discrepancy between the "no work, no food" ration policy and British-Canada's traditional civilization programme, as outlined in the Treaty.

[71] RG 10/3609/3316-2, C. E. Denny to E. T. Galt, Fort Macleod.

[72] Canada. Sessional Papers, 1883, Vol. IV, No. 5, Annual Report of the Department of Indian Affairs, 1882, p. 172.

FOOTNOTES continued:

[73] RG 10/3637/7134, E. T. Galt, Assistant Commissioner of Indian Affairs, October 5, 1882.

[74] Canada. Sessional Papers, 1883, Vol. IV, No. 5, Annual Report of the Department of Indian Affairs, 1882, p. 174.

[75] *Ibid.*, p. 171.

[76] RG 10/3637/7134, E. T. Galt, Assistant Commissioner of Indian Affairs, October 5, 1882.

[77] *Ibid.*

[78] Canada. Sessional Papers, 1884, Vol III, No. 4, Annual Report of the Department of Indian Affairs, 1883, p. 78.

[79] *Ibid.*, p. 78.

[80] *Ibid.*, p. 79.

[81] *Ibid.*, p. liii.

[82] *Ibid.*, pp. 82-83.

[83] *Ibid.*

[84] Canada. Indian Treaties and Surrenders (Ottawa: Brown Chamberlin, the Queen's Printer, 1891), Volume II, pages 128, 132, 136. In a letter of February 28, 1882, Indian Commissioner Dewdney had informed the Minister of the Interior that "the temporary Reserve [could not] be interfered with without the consent of the Indians till 1887." (RG 10/3580/750)

[85] Canada. Sessional Papers, 1884, Vol. III, No. 4, Annual Report of the Department of Indian Affairs, 1883, p. 81.

FOOTNOTES continued:

[86] *Ibid*., p. 81.

[87] *Ibid*., p. xi.

[88] *Ibid*.

[89] RG 10/1084, Headquarters Letterbook, Robert Sinclair to Sir John A. Macdonald, August 28, 1883.

[90] *Ibid*.

[91] *Ibid*.

[92] Dyck, "The Administration of Federal Indian Aid," pp. 57-58; J. D. Leighton, "The Development of Federal Indian Policy," pp. 387-394.

[93] Dyck, "The Administration of Federal Indian Aid," pp. 59-79. Considering the impact of the applied Indian policy, Dyck places the economic cut-backs within the Indian peoples' perspective: "The government chose retrenchment in 1883, but the choice was not inconsistent with its administration of Indian Affairs." (p. 69) Carrying this argument one step further, under the "no work, no food" rationale, the conditions resulting from the stringency of Government economy were relative.

[94] Sir Cecil E. Denny, *The Law Marches West* (Toronto: J. M. Dent and Sons Ltd.), p. 223.

[95] W. C. McCord, "An Unwilling Diary," *Alberta Historical Review*, 1959 (summer), pp. 8-9.

[96] *Ibid*., p. 9. In a letter of December 18, 1883, Prime Minister John A. Macdonald referred to the formalities of ratification:

> ...in the /Indian/ Act of 1876 - The original treaties of surrender with the Indians are with the *Nations* and can therefore be dealt with by the Chiefs.

FOOTNOTES continued:

> But when a specific Indian reserve has been established, each member of the Band has a legal interest in the Reserve, a title in fact, of which he cannot be dispossessed without his assent.
> ... The assent of the Majority present is only required and if they are aware of the Terms of the Treaty -- & did not dissent, it may be held justifiably held /sic/ to be a unanimous decision. (GAI, Dewdney Papers, Private, Macdonald to Dewdney, December 18, 1883.)

[97] Annual Report of the N.W.M.P., 1884, p. 6.

[98] RG 10/3686 (no file number), W. Pocklington, Ft. Macleod, May 31, 1884.

[99] Ibid.

[100] Ibid.

[101] Ibid.

[102] RG 10/14624, Dewdney to Macdonald, July 19, 1884. Due to interpretation, it is questionable whether this quotation is an accurate reflection of Crowfoot's meaning.

[103] RG 10/14624, Dewdney to Macdonald, July 19, 1884.

[104] RG 10/3696/15040, Wadsworth to Dewdney, August 14, 1884.

CONCLUSION:

Maintaining Whose Right?

During the ten years since 1874, the relationship between the Blackfoot peoples and the North-West Mounted Police had reflected British-Canada's traditional conception of Indian-White relations and the Blackfoot concept of cooperative coexistence. Within this context the role of the N.W.M.P., in particular, had fluctuated according to the changing priorities of national expansion: prior to 1877 the balance in Indian-White relations had rested on the necessity of controlling "Indian unrest," and applying British-Canada's principles of justice; after the signing of Treaty Number Seven, this approach was augmented by the wardship rationale which defined the on-going nature of Indian-White relations. As a result, from 1881 to 1884, the Blackfoot peoples had experienced the cumulative impact of the "no work, no food" ration programme, and a policy of containment.

Determined to maintain their social and cultural integrity, the Blackfoot peoples had responded to British-Canada's expansion according to their traditional approach of cooperative coexistence. With the arrival of the N.W.M.P. in 1874, the Blackfoot leaders had accepted British-Canadian law and order as being of mutual benefit to both Indian and White. Furthermore, the N.W.M.P. presence did not immediately threaten Blackfoot economic independence, the cornerstone of cooperative coexistence. On this footing the Blackfoot leaders had approached Treaty Number Seven. To counter-balance the imminent possibility of the buffalo becoming extinct, both Crowfoot and Red Crow had emphasized during the negotiations the principle of equality, and the practice of mutual interchange, which had formed the basis of Blackfoot-N.W.M.P. relations. Their intent was to establish a new economy which would both preserve social and cultural integrity and enable adaptation, in order that the Blackfoot peoples might coexist within British-Canadian society.

Instead, in 1878-79 the Dominion Government had responded to the buffalo crisis with a "no work, no food" containment policy. Although initiated as an emergency measure, the continued application of this policy from 1881 to 1884 underlined the disparity between this approach and the civilization programme outlined in Treaty Number Seven. For both the Mounted Police and the Blackfoot peoples the consequent conditions all but precluded the principles of justice, and the implied equality which were part of their initial interaction. Earlier, in 1879, N.W.M.P. Commissioner James F. Macleod had argued that as a basis for Indian-White relations, the inadequate ration distribution and containment policy virtually invalidated the traditional values and assumptions represented by British-Canadian law and order. In fact, as a substitute for the proposed civilization programme, this policy placed the N.W.M.P. in an ambivalent position. Through upholding the Government's policy, the N.W.M.P. were supporting conditions which made the Blackfoot peoples' social and cultural adaptation an impossiblity, whether according to the Dominion's preconceptions or cooperative coexistence. The Bull Elk incident in 1881, and the "unrest" attributed to White Cap in 1884, again confirmed this analysis. For the North-West Mounted Police and the Blackfoot peoples both of these occurrences revealed the nature of Indian-White relations under Treaty Number Seven and posed the question: "Maintaining Whose Right?"

The situation facing the Mounted Police and the Blackfoot peoples was consistent with the history of British-Canada's conception of Indian-White relations. Since 1838, in relation to the imperatives of the settlement frontier, the native peoples had been defined as dependent, but potentially equal within British-Canadian society. As a corollary to this definition, a civilization programme had been sanctioned. In 1845, however, the Commission appointed to review Indian policy had observed that the 1838 civilization programme existed in theory, but not in practice. Instead, in relation to the priorities of settlement expansion, the Indian peoples remained in a condition of dependence. Despite this disparity between theory and reality, the 1845 Commission had expanded the 1838 policy recommendations. As an integral part of future settlement and growth, British-

Canada's approach to Indian-White relations would incorporate two stages: first, in advance of actual settlement treaty negotiations would serve to appease and contain the native inhabitants; second, the civilization programme would then be implemented in accordance with the priorities of national growth.

In 1857 this formula for Indian-White interaction had been translated into law. An Act to Encourage the Gradual Civilization of the Indian Tribes... embodied the wardship rationale which, with the Indian Act of 1876, incorporated the Indian peoples of the North-West Territories. This special legislation established the inherent contradiction of British-Canada's conception of Indian-White relations. Although legally defining the native inhabitants as wards of the Dominion Government, the main thrust of the legislation was simultaneously to curtail this state of dependence and promote Indian enfranchisement; the implementation of a civilization programme was presupposed.

The terms of Treaty Number Seven were an extension of this supposition; the Treaty foreshadowed the civilization programme while controlling "Indian unrest." Yet, the "no work, no food" ration policy which was implemented was little more than an expression of British-Canada's wardship rationale. From the Dominion Goverment's perspective, however, this limited ration distribution was justified as it appeased the Blackfoot peoples until the completion of the Canadian Pacific Railway. At the same time, through emphasizing individual self-sufficiency, this policy was the initial step towards a civilization programme.

From 1874 to 1884, in meeting the demands of national expansion, and in carrying out the essence of the wardship rationale embodied by the Indian Act, the Dominion Government had fulfilled the values and priorities intrinsic to British-Canada's protective sovereignty. The disparity between the reality of Indian-White relations and the approach envisioned by the civilization programme was historically consistent. Originally conceived of as an instrument to control "Indian unrest," the North-West Mounted Police were a part of this disparity; the tension between the Blackfoot peoples and the North-West Mounted Police expressed the on-going reality.

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Abbreviations:

Public Archives of Canada	PAC
Public Archives of Manitoba	PAM
Glenbow-Alberta Institute	GAI
Hudson's Bay Company Records	HBC
Records of the Department of Indian Affairs	RG 10
Records of the North-West Mounted Police	RG 18

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Simon John Clarke, "Diary of N.W.M.P. experiences in N.W.T., 1876-1886"	GAI
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APPENDIX I

Extract from Simon John Clarke, "Diary of N.W.M.P. experiences in N.W.T., 1876-1886."

July 3rd, 1879.

Capt. Freshette [Frechette] and Const. Paterson and Const. Hurlay left for the Blackfoot Crossing with sacks of Flour and Tobacco and Rice and Sugar for to give indians. They are starving and a good many of them have died.

August 3, 1879.

Insp. Macdonall arrested indian today for stealing turnips out of the garden. Capt. Winder let him go.

Charlie Ryan slept in his Potato Patch for to keep [illegible]e indians out.

August 18, 1879.

There was Sixteen hundred indians got Grub today Blackfeet and Blood and Peigans and Sircees.

September 4, 1879.

McCarter...A great Chief of the Bloods & Blackfeet Tribe was in today for Grub there was six hundred of them. They were pretty well armed.

September 6, 1879.

Four of McFarlands Cattle was killed by the Indians.

September 20th, 1879.

Buffalo pretty scarse this summer. The Police are feeding the Blood Indians today and Every day for this last Month back. Game very scarse this year -- all gone south across the lines.

September 26,1879.

Staff Sergt. Lauder arrived from Fort Callgarry and Reports that Corpl. Hay was taken by Crowfoot at the Blackfoot Crossing and kept there till Capt. Dennis [Denny] arrived from Callgarry and got him released.

September 26th, 1879.

Capt. Freshette /Frechette/ and party arrested five indians for stealing out of the garden.

September 27th, 1879.

The indians were tried before Col. Macleod today and got off. Col. Macleod gave them Flour.

There was Three thousand indians fed today, Peigan & Bloods and Sarcees.

September 28, 1879.

The Ranchers are Rounding up there cattle and going to Sun River. The indians are killing them off fast. The Buffalo have left for the south and Game is pretty scarce. And that is the reason that they are going for the domestic cattle and the Ranchers are pretty sore on this Reserve.

APPENDIX II

Extract from the Governor-General's interview with the Blackfoot peoples in 1881.

Red Crow:

Great Chief who has come into this Country take pity on us -- God takes pity. Do you take pity? I am glad to see you come -- Chiefs old people and children glad to see you and by your coming hope to get a living ...I hope you will have a good heart and we will find good living from it. The ground is good. All the Indians young and old are behaving well....

Button Chief: (advances and offers his Excellency his jacket, saying);

He was a friend of God and all the Stars and all that lives on the ground and that is why I have these buttons -- You look young, I am old -- You take my jacket. Ask the Great Mother to have pity on all the bloods /sic/ This river that we are on - the water goes to where our Great Mother lives. They pay us feeding money every year and we hope to receive more rations for our children have been starving many are dead.

Eagle Tail (Piegan):

I have not much to say. Our Great Mother is a long way off and Colonel Macleod and Colonel Irvine came and brought her words and I have believed all they say -- While I wear the medal I would not do anything wrong. When the water ceases running from the river then cease from giving us anything. I have been living off the beef and flour and hope I shall get all farming implements and carpenters tools and I hope you will come and see my buildings -- No white man helped me to build them. I hope our Great Mother will have pity and let me go after the buffalo. I get more money by the buffalo but I wont /sic/ go unless I have leave. Mr. Dewdney is the first who came and shewed me how to raise vegetables for food, I hope all the Piegans, Blackfeet and Bloods will get more it will be a long time before we shall be as white man,....

Morning Plume:

Take pity on us and give us ground. We hope we may use all the timber and ground, white men and ourselves I hope will all live happily together and not have quarrels. Brother in Law I hope you will tell everything to our Great Mother...We will always get the yearly money promised in the treaty as long as water runs --- for the Government never break their promise. I hope we shall receive tools and implements for we have none on our reservation.

His Excellency:

I am very glad to hear you are doing so well and all those who work and are doing well will be helped.

Morning Plume:

Well take pity on us and I hope we shall have the wagon promised us.

His Excellency:

Some wagons will be given to the Agent for the use of those who work.

Morning Plume:

Well my people try and work and we try to do our Great Mother tells us -- and if we get wagons we can work--...We are all great friends of Col. Macleod's.

Running Wolf:

I shall talk Gods word. I shall tell the truth like the Great Mother. I am very poor in my clothing look at them this is from working. I tear them. We have not put much seed in but I hope for more seed next year -- I should like a saw mill to make lumber & fit up our house...I have always worked hard, and I have listened and tried to follow all the Great Mother has told to us. When we heard when you were coming they asked us to come & sweep up round Col. Mcleod's quarters & we came...

Col. Mcleod is going to stop with us till he becomes an old man & our Instructor also.

Please take pity for we are still sleeping on the ground, for we want lumber to make Flooring & other things.

His Excellency:

He must use a whip saw for the present. They can get lumber down the stream.

Running Wolf:

The money I receive I spend on my house and have none left for clothing.

Old Father of Many Children:

I am very glad to see you...I have been hungry for a very long time for want of grub--Sometimes I have been given black flour & little meat and my heart is in the ground. Now you have come it is the same as if we had seen our Great Mother -- Give us more to eat. I won't take cattle but would sooner have food. We like meat & flour now & wish it continued & not take cattle. We have been getting cattle & have eaten many of them -- the cattle promised by treaty are no use to raise ---We would sooner have food.

Red Eagle to His Excellency:

What do you think of what the Father of Many Children has said?...As we shall never have a chance of speaking together so what I want to know is if I take cattle will our rations be stopped?

His Excellency:

It is not the intention to stop the rations when cattle are given, but the Government wish that in time the red men to become self-supporting [sic]. He expects the young men will follow the example of the Chiefs and work so as to make their own living -- and to those that work help will be given.

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Title of Thesis/Dissertation

THE NORTH-WEST MOUNTED POLICE AND

THE BLACKFOOT PEOPLES, 1874-1884

Author Barbara J. Mayfield
(Signature)

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April 19 1979
(Date)